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# Regional Coastal Plan for Northland

Operative 30 June 2004

## 11.2 ISSUES

11.2.10. The desire to develop new marine farms and other aquaculture ventures, particularly in the Far North harbours.

## 27.1 INTRODUCTION

Marine farming is a major industry in Northland's coastal marine area. In recent times, it has also been a significant growth area, building on the natural advantages that Northland has to offer, namely its many sheltered harbours with their extensive intertidal flats, warm waters, and generally high water quality.

Marine farms currently occur in ten of the region's 15 harbours. Large scale catching of oyster spat occurs in the Kaipara Harbour and a significant proportion of mussel spat used to seed farms throughout New Zealand is collected from Ninety Mile Beach, attached to drifts of seaweed.

Because it is a major occupier of space in the coastal marine area, and has, among other things, specific water quality requirements, marine farming needs to be recognised and specifically provided for within the framework of this Plan.

Prior to the passage of the Resource Management Act, marine farming in Northland was largely controlled by the Ministry of Fisheries under the Marine Farming Act 1971. The Marine Farming Act was principally concerned with the promotion of marine farming, and only required assessment of a limited range of environmental effects within the specific areas leased and licenced under the Act for marine farming.

Prior to the passage of the Resource Management Act, the Marine Farming Act 1971 also dealt with provision for spat-catching areas, access through leased areas, navigation and safety matters, protection of marine farms, and disease control and related provisions.

Most marine farms within Northland are currently authorised by Marine Farming Act leases or licences.

With the passage of the Resource Management Act 1991, the Marine Farming Act was significantly amended. In essence, the environmental effects of any new marine farming activity or a variation to an existing marine farm are now largely covered under the Resource Management Act. Unless allowed by a rule in this Plan, a coastal permit is now required if a proposed marine farm or a variation to an existing marine farm requires:

- Exclusive occupation of coastal space; or
- Placing of structures on the foreshore or seabed; or
- Disturbance of the foreshore or seabed; or
- Results in deposition of material on the foreshore or seabed or into coastal waters.

New oyster and mussel-farming operations using conventional methods (racks and longlines) and all other possible types of marine farming such as salmon, mullet and scallops require coastal permits. With the introduction of new techniques and technology, it is possible that the pressure for the expansion of the marine farming industry in Northland will continue.

## 27.4 POLICIES

10. To require the consideration of land-based alternatives when reviewing proposals for the marine farming of non-conventional species, including non-indigenous fish.

**Explanation.** *As suitable sites for marine farming are limited and the effects of the cultivation of non-conventional species are not fully understood, it is important to promote the utilisation of land-based ponds and tanks where these alternatives to the occupation of the coastal marine area exist.*

## 31.5.2 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its controls are:	Classification	References
b	The <b>erection of structures</b> required for authorised marine farming operations other than oyster racks, mussel longlines or spat-catching structures.			Discretionary	27.5.17
f	The <b>placement, operation, and maintenance of equipment</b> for environmental monitoring or data gathering purposes, provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	(i) The Northland Regional Council is notified of the activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>		Permitted	

## 31.5.4 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its controls are:	Classification	References
i	This <b>discharge of any contaminants</b> that are not associated with Rules f to h and Rules j and k			Discretionary	14.5(1), (2), (3), (4) 20.5(1), (2), (3), (4)

## 31.5.5 TAKING AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its controls are:	Classification	References
d	The <b>taking and use of sea water</b> for other than fire-fighting purposes or for the normal	Terms/Standards/Conditions: (i) change natural water and sediment movement patterns;		Permitted	21.5.1

	operational needs of vessels or for the purpose of washing and sorting farmed shellfish, on the condition that the activity does not:	or (ii) change natural water quality; or (iii) compromise the safe and efficient operation of a marine farm or the security of the farm. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>			
a	The <b>taking, use, and discharge of coastal water</b> for the purpose of washing and sorting farmed shellfish on the condition that the activity does not result in:	(i) a reduction in water colour or clarity outside the Marine 3 (Marine Farming) Management Area; or (ii) the accumulation of shell and other debris on the foreshore or seabed within or adjoining the Marine 3 (Marine Farming) Management Area. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>		Permitted	21.5.1
b	The <b>taking, use, and discharge of coastal water</b> which contravenes Rule 31.5.5(a).			Prohibited	21.5.1
d	The <b>taking and use of sea water</b> for other than fire-fighting purposes or for the normal operational needs of vessels or for the purpose of washing and sorting farmed shellfish, on the condition that the activity does not:	Terms/Standards/Conditions: (i) change natural water and sediment movement patterns; or (ii) change natural water quality; or (iii) compromise the safe and efficient operation of a marine farm or the security of the farm. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>		Permitted	21.5.1

### 31.5.8 MARINE FARMING

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its controls are:	Classification	References
a	The <b>occupation of space</b> for the purposes of marine farming.	The term of the coastal permit, including permits in replacement of existing Marine Farming Act leases or licences, shall be up to 25 years. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>	<ul style="list-style-type: none"> <li>- the duration of the permit</li> <li>- the area covered by the permit</li> <li>- the need to upgrade, replace or remove any derelict or disused structures</li> <li>- provisions for public access</li> <li>- the information and monitoring requirements</li> <li>- the Administrative Changes payable</li> <li>- the bond payable</li> </ul>	Controlled	Controlled

### 31.5.9 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland	Classification	References
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			Regional Council will exercise its controls are:		
a	The <b>disturbance of the foreshore or seabed</b> associated with the removal of shell and other debris derived from marine farming operations and that does not involve the use of vehicles on the foreshore on the condition that:	(i) the contour of the foreshore or seabed is not altered; and (iii) there is no reduction in water colour or clarity outside the Marine 3 (Marine Farming) Management Area as a result of the activity; and (iv) all material removed is not redeposited within the coastal marine area. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>		Permitted	
b	<b>Disturbance of the foreshore</b> as a result of the use of vehicles for purposes associated with marine farming .			Discretionary	
c	<b>Disturbance of the foreshore</b> or seabed which contravenes Rule 31.5.9(a) and (b).			Prohibited	
d	<b>The deliberate introduction of exotic organisms</b> into the coastal marine area, including the transference of established exotic organisms into new areas.			Prohibited	9.1.5(11) 9.2.5(8)
e	Any <b>port development</b>			Prohibited	
f	<b>The removal or pruning of live mangrove trees</b> where the progressive growth or proliferation of these has led to: (i) the obstruction of existing public access to and along the coastal marine area; or (ii) interference with the reasonable or safe use or operation of authorised structures or facilities; on adjoining land or in the coastal marine area; or (iii) the blockage of existing man-made drainage channels to avoid the flooding of adjacent land.	The term of the coastal permit for removal or pruning activities shall be no longer than is necessary to complete the operation. <b>The activity shall comply with all relevant standards listed in section 31.5.10</b>	- the duration of the permit - the coastal area covered by the permit - the area affected - the methods used to carry out the activity - the methods of disposal of the removed material - the timing of the activity in relation to tides, season, or other activities - the information and monitoring requirements - the Administrative Charges payable	Controlled	9.1.5(4)

### 31.3.10 MARINE FARMING

The **establishment of new marine farms or the extension of an existing marine farm** outside those limits specified in a Marine Farming Act lease, licence or coastal permit held for that marine farm.

#### **31.4.10 MARINE FARMING**

a The **establishment of any new marine farm or the extension of any existing authorised marine farm**, including the erection of oyster racks, mussel longlines and spat catching structures, which is not otherwise a prohibited activity under Rule 31.4.10(b).

b The **establishment of any new marine farm or extension of any existing authorised marine farms** within the following areas:

- (i) Hokianga Harbour, from the harbour entrance up harbour to a line between Koutu Point and Taumatakanae Point.
- (ii) Great Exhibition Bay within the area enclosed at the northern end by a straight line between Henderson Point to the northernmost point of Terakautuhaka Island and at the southern end by a straight line between the southernmost point of Terakautuhaka Island and Perforated Point, including Kowhai Beach and Henderson Bay
- (iii) Matai Bay, Cape Karikari
- (iv) Doubtless Bay between Patia Point (Whatuwhiwhi) and Hihi Beach including Tokerau Beach, Taipa Bay, Cable Bay, Otengi Bay and Coopers Beach
- (v) Taipa estuary
- (vi) Mangonui Harbour
- (vii) Taupo Bay
- (viii) Pekapeka Bay, Whangaroa Harbour
- (ix) Tauranga Bay
- (x) Te Ngaire Bay
- (xi) Tapuaetahi Bay
- (xii) Bay of Islands coastline from Cape Brett to Tapeka Point
- (xiii) Kerikeri inlet
- (xiv) Pomare Bay (inclusive of Orongo Bay).
- (xv) Waikare and Waikino inlets in the Bay of Islands.
- (xvi) Bland Bay
- (xvii) Whangaruru Harbour up harbour from a line between North Head to Omahu Islets including Oakura Bay
- (xviii) Helena Bay
- (xix) Teal Bay
- (xx) Matapouri Bay
- (xxi) Matapouri estuary
- (xxii) Tutukaka Harbour
- (xxiii) Pataua estuary
- (xxiv) Taiharuru bay
- (xxv) Taiharuru estuary
- (xxvi) Whangarei Harbour

#### **31.6.9 MARINE FARMING**

The **establishment** of any new marine farm

#### **31.7.10 MARINE FARMING**

The **establishment** of any new marine farm.

#### **31.8.9 MARINE FARMING**

The establishment of any new marine farm.

## 6.4 POLICIES

Amend Policy 6.4.3 as follows:

3. To define areas to be managed **principally for aquaculture activities** ~~primarily for shellfish cultivation (marine farming)~~ purposes as Marine 3 ~~(Marine Farming~~ **Aquaculture**) Management Areas which are:

- (a) **Deemed AMAs;** ~~specific areas to which Marine Farming Act leases or licences apply; or~~
- (b) **AMAs established through the Resource Management Act Plan Change process.** ~~specific areas to which existing resource consents to occupy space in the coastal marine area for the purposes of marine farming apply.~~

as a means for providing for ~~the continuation of~~ such activities, where appropriate and of facilitating the management of any adverse environmental effects associated with them.

## 6.5 METHODS OF IMPLEMENTATION

Amend Method 6.5.1 as follows:

1. ...**Marine 3 (Marine Farming Aquaculture) Management Areas** are those to be managed **principally for aquaculture activities** ~~primarily for shellfish cultivation (marine farming) purposes.~~ The category is applied to **and include:**

- (a) **Deemed AMAs;** ~~specific areas to which existing Marine Farming Act leases or licences apply; and~~
- (b) **AMAs established through the RMA Plan Change process** ~~specific areas to which existing resource consents to occupy space in the coastal marine area for the purposes of marine farming apply.~~

**All AMAs** ~~marine farm boundaries~~ within Northland's Coastal Marine Area are shown on the Coastal Plan Maps. ~~The individual~~ Individual marine farm boundaries within AMAs are derived from the specified grid coordinates provided in the resource consent applications. For more specific boundary location information, contact the Northland Regional Council.

## 27.4 POLICIES

### Establishment of New AMAs

1. AMAs will be enabled in suitable locations in order to facilitate the development of sustainable aquaculture activities in Northland.

(Objective 1)

**Explanation.** *The Council will enable the development of sustainable aquaculture by providing the regulatory framework for the establishment and management of all AMAs in Northland.*

2. The Council will conduct an open and equitable process for private plan changes to establish AMAs, and where an AMA is developed either by Council-initiated or standard private plan changes, the Council will conduct an open and equitable process for the allocation of the authorisation to occupy space within the AMA.

(Objectives 5, 6 and 7)

**Explanation.** *The Council has determined that the primary mechanism for establishing an AMA in Northland is through the invited private plan change. The Council will develop a process for inviting such plan changes and these requests will be processed in accordance with the provisions of the First Schedule to the Resource Management Act. In regards to the allocation of the authorisation to occupy space within the AMA for Council-initiated or standard private plan changes, the means by which the Council will allocate space within the AMA must be by public tender, or some other means which must be set out in the Regional Coastal Plan, and this allocation must also be undertaken in a transparent and fair manner.*

3. 'Use and Value Maps' developed by the Council shall be used as one tool in evaluating whether proposed aquaculture activities will adversely affect, or be adversely affected by, the uses and values identified on the maps.

(Objective 1 and 4)

**Explanation.** *These maps will spatially identify various uses and values within the coastal marine area, developed under the key themes of water quality, landscape and amenity, and recreational and commercial uses. Some of the layers include 'buffer zones' which indicate areas of potential sensitivity around a particular feature. The Use and Values Maps are a guidance tool only, and are neither exhaustive, nor independently determinative on the suitability of an area for aquaculture activities. The maps are designed to be utilised as part of the broader evaluative framework set out in this plan.*

4. 'Aquaculture Evaluation Maps' developed by the Council shall be used as one means to assist in the identification and determination of where Aquaculture Management Areas may be unsuitable within the coastal marine area of Northland.

(Objectives 1 and 4)

**Explanation.** *The Aquaculture Evaluation Maps will be derived from the 'Use and Value Maps' and will classify the uses and values as 'critical', 'significant' or 'potential' to indicate the areas which may be unsuitable for aquaculture development. As a guidance tool, the Aquaculture Evaluation Maps are not independently determinative on the suitability of an area for aquaculture activities, but are designed to be utilised and considered as part of the broader evaluative framework set out in this plan.*

### **Establishment and Development of AMAs and Aquaculture Activities - Matters for Consideration**

5. New AMAs may be established in those parts of the coastal marine area where significant adverse environmental effects (including effects on amenity, natural character, ecological values, cultural values, and other uses and activities) are as far as practicable avoided, or where complete avoidance is not possible, adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

(Objectives 1, 4 and 9)

**Explanation.** *To achieve the sustainable management of aquaculture in the Northland region, AMAs will only be established where effects on other values and uses of the coastal environment are as far as practicable avoided, or where complete avoidance is not possible, adverse effects should be mitigated and provision made for remedying those effects.*

6. New AMAs may be enabled in a variety of environments in recognition of the particular biophysical and location requirements of different types of aquaculture activities.

(Objective 1)

**Explanation.** *To achieve the sustainable management of aquaculture in Northland, the Council will recognise that different types of aquaculture activities have specific biophysical and locational requirements. For example, conventional longline mussel farms usually require permanent and relatively deep water in order to achieve optimum growth, while oyster farms are generally established within sheltered harbour inter-tidal areas on conventional rack structures.*

7. When considering any environmental effects associated with the establishment and development of any AMA, regard must be given to the relevant objectives, policies and methods of implementation set out within the operative Regional Coastal Plan for Northland.

(Objectives 1 and 4)

**Explanation.** *Other sections of the operative Regional Coastal Plan, including the appendices and the policy framework for the existing management area, contain relevant matters that a consent authority must have regard to when considering any plan change to establish an AMA. Part III of the Plan sets out the management*

*approach for the coastal marine area of Northland. Part IV of the Plan sets out the provisions to be used for the general protection of natural and physical resources within the coastal marine area, including those relating to the matters of national importance set out in section 6 of the Resource Management Act. Part V of the Plan sets out the uses and development policy for all management areas of the Regional Coastal Plan.*

8. When considering a plan change request to establish an AMA, particular consideration will be given to the following matters:

- a) The type of aquaculture and species proposed to be farmed within the AMA and the suitability of the location for the proposed aquaculture activities;
- b) The nature and sensitivity of the existing environment in the proposed AMA;
- c) Any lawful existing uses of the area, including public access, and the extent to which those uses may be modified or restricted;
- d) The potential positive and adverse effects of the proposed aquaculture activities on natural, social, cultural and economic values;
- e) The identification and location of any associated structures, facilities and activities required within the coastal marine area (within and outside the AMA); and
- f) The need for the integrated management of any associated land use effects outside the coastal marine area.

(Objectives 1, 2, 3, 4 and 9)

**Explanation.** *There are a range of factors that will be taken into account when considering private plan changes to establish AMAs. General information requirements for any plan change request are specified in Section 27.7.*

9. AMAs and any aquaculture activities should be located, designed and managed so that there are no significant adverse effects on:

- a) The integrity, functioning and resilience of coastal processes and ecosystems;
- b) Rare or endangered species, habitats, communities, or ecological sequences;
- c) Inter-tidal areas that provide significant feeding areas for wader bird species;
- d) Areas that are known to be migration routes, breeding or feeding areas for marine mammals;
- e) Sites or areas of significant amenity value demonstrated by high use for recreation and/ or tourism.

(Objectives 1 and 4)

**Explanation.** *Aquaculture activities may have adverse effects on other uses and values within the coastal marine area. Many of these effects can be avoided, remedied or mitigated by appropriate site selection, design and farm management practices.*

10. AMAs should avoid significant adverse effects on sites and/or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or recognised customary activities.

(Objectives 3, 4 and 5)

**Explanation.** *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga is a matter of national importance under the RMA. Sites of specific value or significance to iwi will generally be considered inappropriate as AMAs.*

11. AMAs should avoid significant adverse effects on sites of historic heritage value.

(Objective 4)

**Explanation.** *The Council is required to recognise and provide for the protection of sites of historic heritage value. Areas such as shipwreck sites are considered to be natural heritage sites that may be vulnerable to the adverse effects arising from the creation of AMAs.*

12. AMAs should be located in areas that have suitable access, and where they can be supported by adequate and appropriate land based infrastructure.

(Objective 9)

**Explanation.** *Aquaculture activities undertaken in the coastal marine area may require supporting infrastructure on land, such as access, processing, and waste disposal facilities. It is important that AMAs are located where such requirements can be met.*

13. Any Plan Change request to establish an AMA, or coastal permit application for aquaculture activities should provide for the integrated management of the activities, including any required land based facilities and operations.

(Objective 9)

**Explanation.** *Aquaculture activities may require associated land-based infrastructure and facilities, which may have strategic implications for district councils. In order to achieve integrated management, there needs to be a consistent and co-operative approach to aquaculture adopted by the applicant and relevant consent authorities.*

14. Any plan change request to establish an AMA or coastal permit application for aquaculture activities should demonstrate that any associated use of existing boatramps, jetties and wharves will not compromise the public use of these facilities.

(Objectives 1, 4 and 9)

**Explanation.** *Aquaculture activities within an AMA may require the use of existing boat launching and servicing facilities, potentially displacing existing public access*

*and use. The Council will ensure that private use associated with aquaculture activities is not at the expense of the public use of these facilities.*

15. Any plan change request to establish an AMA will not be considered within any of the following areas:

- (a) Areas of the coastal marine area where a Marine Reserve has been established or publicly notified under the Marine Reserves Act 1971;
- (b) Areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977;
- (c) Areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971<sup>2</sup>.

(Objectives 1 and 4)

**Explanation.** *Areas which have been established or publicly notified for these types of formal protection are likely to be compromised by the creation of an AMA. Accordingly, such areas are not considered to be suitable locations for the establishment of an AMA.*

16. Without limiting the applicability of more specific policies, favourable consideration will not generally be given to a plan change request to establish an AMA in any area identified as 'Critical' on the Aquaculture Evaluation Maps, unless it can be demonstrated that the proposed AMA will not adversely affect, or be adversely affected by the uses and values identified.

(Objectives 1 and 4)

2 The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

**Explanation.** *Areas identified as 'Critical' on the Aquaculture Evaluation Maps represent spatially identifiable areas which are unlikely to be suitable for aquaculture. Accordingly, plan change requests to establish AMAs in critical areas are unlikely to be considered favourably by Council, unless it can be demonstrated that the proposed AMA will not adversely affect, or be adversely affected by the uses and values identified.*

17. Plan change requests to establish and develop an AMA for the purpose of harvesting shellfish for human consumption will not be considered within any part of the coastal marine area deemed unsuitable by the New Zealand Food Safety Authority for the growing and/or harvesting of shellfish.

(Objectives 1 and 4)

**Explanation.** *In order to prevent the harvest of shellfish product for human consumption from contaminated areas, the regulated control scheme administered by the New Zealand Food Safety Authority provides for the classification of shellfish growing areas into six categories from 'approved' to 'prohibited'. Those*

*areas actively classified as 'prohibited' by the NZ Food Safety Authority will not be considered suitable locations for the establishment of an AMA.*

18. When considering any plan change request to establish an AMA, the management purpose of the following areas and any actual or potential adverse effects of aquaculture activities on those areas will be taken into account:

- (a) *Any gazetted Taiapure or Mahinga Mataitai reserve;*
- (b) *Any area for which fisheries restriction methods have been established under the Fisheries Act 1996 and Regulations, including any Maori Oyster Reserve or set netting ban;*
- (c) *Any Customary Rights Order issued by the Maori Land Court or the High Court of New Zealand; and*
- (d) *Any Wildlife Refuge established under the Wildlife Act 1953.*

(Objectives 1, 3 and 4)

**Explanation.** *These sites do not preclude the establishment of an AMA but are sites that may be sensitive to the establishment of AMAs. For example, the commercial and recreational fishing set net ban from Mangonui Bluff extending southward beyond the Kaipara Harbour seeks to protect the critically endangered Maui Dolphin population. Accordingly, the management purpose of such sites should be considered when considering a plan change request to establish an AMA.*

19. Without limiting the applicability of more specific policies, when considering a plan change request to establish an AMA within an area identified as 'Significant' on the Aquaculture Evaluation Maps, the proposed aquaculture activity should not adversely affect, or be adversely affected by, the values and uses identified within the area.

(Objectives 1 and 4)

**Explanation.** *Areas identified as 'Significant' on the Aquaculture Evaluation Maps represent spatially identifiable areas where important, but not necessarily insurmountable, constraints to aquaculture exist. Whether the area is suitable for aquaculture is dependant on the use and/ or values that are identified, and the type, intensity and scale of the aquaculture activity proposed. The onus is on the applicant for a plan change to demonstrate that the proposed activity will not adversely affect, or be adversely affected by, the values and uses identified.*

20. Without limiting the applicability of more specific policies, favourable consideration may be given to a plan change request in any area identified as 'Potential' on the Aquaculture Evaluation Maps, provided that the proposed aquaculture activity will not adversely affect or be adversely affected by the values and uses identified in the area.

(Objectives 1 and 4)

**Explanation.** *Areas identified as 'Potential' on the Aquaculture Evaluation Maps represent spatially identifiable uses and/or values that are unlikely to adversely*

*affect or be adversely affected by the development of aquaculture. When requesting a plan change to establish an AMA, the applicant will need to demonstrate that the proposed activity will not adversely affect or be adversely affected by the values and uses identified.*

## **Coastal Permits**

21. New or existing aquaculture activities should be located, designed and managed in such a way that adverse effects on the environment are avoided as far as practicable or where complete avoidance is not possible, the adverse effects are mitigated and provision is made for remedying the effects.

(Objective 4)

**Explanation.** *While AMAs may be appropriately sited, adverse effects can occur as a result of inappropriate site design or management. Section 27.7 provides a list of information requirements necessary to support a resource consent application for a marine farm application. It is also important that conditions of consent and monitoring are imposed to ensure that adverse effects are appropriately managed.*

22. Aquaculture structures should be located, constructed and maintained in a way which does not compromise the safety of commercial or recreational navigation.

(Objective 4)

**Explanation.** *It is important that any structures within the coastal marine area are appropriately located, marked, and lit to ensure that a navigational hazard is not presented to other marine users. Structures that are poorly maintained also have an increased potential to become a navigational hazard.*

23. The Council will ensure that the primary use of an AMA is for the identified aquaculture purposes and that other activities are provided for within AMAs only where they are compatible with aquaculture activities.

(Objective 8)

**Explanation.** *The RMA requires that provisions be established in plans to ensure that where AMAs are established, they are principally for aquaculture purposes. Other activities may not be undertaken in an AMA, except to the extent that the activity is compatible with the primary aquaculture activities. This is to assist in ensuring that where it is deemed appropriate, aquaculture can be successfully undertaken.*

24. New aquaculture activities may be required to be developed and monitored in a staged manner, where:

- a) The potential adverse effects cannot adequately be predicted;
- b) New species are farmed or new technology utilised; or

c) The scale or type of marine farm warrants a cautious approach.

(Objective 4)

**Explanation.** *The adverse effects associated with proposed marine farming activities can only be estimated and in some cases, significant uncertainty exists. Risks are greatest for large marine farms, new types of marine farming or the adoption of new technology where limited precedent exists. In these cases, farms will be required to develop in a progressive manner so that adverse effects can be monitored, understood and appropriately managed, before full scale farming is approved.*

26. The duration of coastal permits for experimental aquaculture activities will be limited to a maximum of 5 years.

(Objectives 1, 4 and 7)

**Explanation.** *The RMA provides for a maximum consent duration of 35 years. However, the adverse effects associated with experimental aquaculture activities can only be estimated. Council therefore considers that a shorter maximum duration of 5 years is appropriate for experimental aquaculture activities.*

27. New aquaculture activities involving structures in the coastal marine area will require a mechanism to cover potential costs associated with the repair or removal of abandoned or derelict farms and reinstatement of the environment.

(Objectives 4 and 10)

**Explanation.** *Costs associated with the repair or removal of abandoned marine farms or reversal of adverse environmental effects may not be able to be recovered by the Council once the farm has been abandoned. Under Sections 108 and 108A of the RMA, the Council can require a mechanism for new aquaculture activities to cover these costs prior to the installation of a farm.*

28. The Council will promote and/or require the repair or removal of structures within an AMA that have been abandoned or have fallen into a state of disrepair.

(Objective 10)

**Explanation.** *The presence of derelict oyster farms has been a longstanding issue in Northland. Where the derelict farms are authorised under the Marine Farming Act, the Ministry of Fisheries is responsible for addressing the matter. Where the farm is authorised under the RMA, the Council will undertake action as appropriate.*

29. Any AMA may be reviewed in circumstances where the location is no longer suitable for aquaculture activities.

(Objectives 1 and 4)

**Explanation.** *The Council will consider reviewing any AMA where it is identified that the location of the AMA is unsuitable for aquaculture activities.*

31. Where the specific details of the proposed aquaculture activity (including the species to be farmed and details of any proposed structures) have been subject to assessment and consideration within the publicly notified plan change process to establish the relevant AMA, and the application for the coastal permit is considered by the consent authority to be in accordance with the specified use of the AMA, the Council may choose to consider the application for the coastal permit for the aquaculture activities on a non-notified basis.

(Objective 1)

**Explanation.** *Where an AMA has been established for specified aquaculture activities, the details of the proposed aquaculture activities have been subject to a publicly notified planning process. Therefore, notifying the coastal permit application may not be considered necessary. However, if the aquaculture activity proposed in the coastal permit application is not explicitly provided for within the AMA concerned, the consent authority may notify the coastal permit application.*

## **27.5 METHODS OF IMPLEMENTATION**

### **Mapping Exercises**

(For Policies 1, 3, 4, 5, 8, 9, 15, 16, 18, 19, 20 and 22)

1. The Council will develop 'Use and Value Maps' that identify uses and values in the coastal marine area of Northland through a mapping exercise, in consultation with the Northland community, industry and other interested parties.
2. The Council will develop 'Aquaculture Evaluation Maps' to classify each theme identified on the 'Use and Value Maps' as 'critical', 'significant' or 'potential', depending on the extent to which aquaculture activities are considered likely to adversely affect or be adversely affected by the uses and values identified.
3. The Council will review and if necessary, update the maps every 5 years. The Council will also review and finalise the maps prior to inviting any person to request a plan change to establish an AMA.
4. Prior to inviting, through public notice, any plan change request to establish an AMA, the Council will utilise the Special Consultative Procedure set out in the Local Government Act 2002 to call for submissions and formally adopt the 'Use and Value Maps' and 'Aquaculture Evaluation Maps' referred to in Methods 1 to 3.

### **Investigations and Monitoring**

(For Policies 1, 5, 6, 8 and 9)

5. The Council may consider undertaking studies of the ecological carrying capacity of areas of high demand for aquaculture, to establish a scientifically based threshold for aquaculture development.

(For Policy 11)

6. The Council will develop a register of sites containing significant historic heritage values.

(For Policies 21 and 24)

7. The Council will undertake state of the environment monitoring, where required, to enable a broad assessment of the effects of aquaculture on the Northland environment to be made.

### **Consultation**

(For Policies 2 and 10)

8. The Council will consult and work with iwi to identify sites or areas of spiritual, historical or cultural significance to Maori, traditional fisheries habitats or customary activities.

9. The Council will encourage AMA proponents to consult with iwi, relevant local authorities and government agencies, the community and other relevant parties in regard to the preparation of proposed plan changes.

### **Plan Change Process**

(For Policy 2)

10. The Council will establish a process using the mechanisms of the Local Government Act 2002 to provide for the public tendering of authorisations within all AMAs established by Council initiated or standard private plan changes.

11. The Council will develop and adopt specific evaluation criteria to assist in the evaluation of standard and invited private plan change requests, in order to give full effect to the Council consideration required under Clause 25(4) of the First Schedule to the Resource Management Act.

### **Enforcement**

(For Policies 27 and 28)

12. For marine farms authorised by coastal permits, the Council will undertake such enforcement action as is necessary to ensure compliance with conditions of their permits or to remove or rectify farms that have been abandoned or fallen into a state of disrepair.

(For Policy 29)

13. The Council may consider promoting a plan change to remove any AMA in circumstances where aquaculture activities are causing significant adverse effects on the environment.

### **Review of Existing Provisions**

(For Policies 13 and 32)

14. The Council will consider reviewing existing Regional Coastal Plan provisions, and may undertake a plan change as necessary to ensure that activities proposed in other parts of the coastal marine area can be adequately controlled to avoid adverse effects on established marine farm activities.

15. The Council will promote an integrated management approach between this plan and other regional plans and district plans which regulate activities within or affecting the coastal environment.

### **Advocacy**

(For Policies 1, 5, 6, 9, 10, 12, 13, 14, 15, 17, 18, 21 and 24)

16. The Council will facilitate and promote the development of an aquaculture forum between key parties, including industry representatives, relevant local authorities, government agencies, community representatives, iwi, and Te Ohu Kai Moana Trustee Ltd, to ensure a strategic approach is taken to address any issues of concern relating to aquaculture, particularly in areas of intensive aquaculture activity.

17. The Council will encourage the aquaculture industry to develop initiatives that seek to avoid, remedy or mitigate any adverse environmental effects of aquaculture activities, including the development of industry codes of practice.

18. The Council will encourage the Department of Conservation to undertake further research on any adverse effects that aquaculture activities may have on marine mammals, including their navigation routes, breeding and feeding areas, and any means by which those adverse effects can be avoided, remedied or mitigated.

19. Where an area of the coastal marine area is identified as having a significant habitat value to marine mammals, in terms of migration, feeding, or breeding patterns, and research has identified that the habitat will be adversely affected by aquaculture activities, the Council will encourage the Department of Conservation to investigate mechanisms, including the establishment of a Marine Mammal Sanctuary, to provide protection to the identified marine mammal habitat.

## **27.6 INFORMATION REQUIREMENTS FOR PRIVATE PLAN CHANGE REQUESTS TO ESTABLISH AN AMA**

All Private Plan Change Requests must contain the information specified in 27.6.1. Private Plan Change applicants may also choose to provide full details of the proposed aquaculture activities to be carried out within the proposed AMA (as specified in 27.6.2), at the same time as the plan change request is submitted. Where this detailed information has been subject to assessment and consideration within the publicly notified plan change process and no changes are proposed at the coastal permit stage, the consent authority may consider the coastal permit application on a non-notified basis.

### 27.7.3 ADDITIONAL INFORMATION REQUIRED FOR COASTAL PERMIT APPLICATIONS FOR EXPERIMENTAL AQUACULTURE ACTIVITIES?

#### 31.5.2 ESTABLISHMENT OF AQUACULTURE ACTIVITIES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	An application for a new coastal permit to continue the same aquaculture activity where the operation/operator complies with the following standards and terms:	<p>(a) Compliance with resource consent conditions for current or previous aquaculture activities undertaken by the applicant; and</p> <p>(b) The use of current industry good practice for any current aquaculture activities. (s165ZJ).</p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>i) Water column sustainability including cumulative effects;</p> <p>ii) Hydrodynamic effects, including cumulative effects;</p> <p>iii) Effect of existing farm on benthic communities and habitat;</p> <p>iv) Navigation and safety;</p> <p>v) Monitoring parameters;</p> <p>vi) Duration of consent;</p> <p>vii) The need to upgrade, replace or remove any derelict or disused structures;</p> <p>viii) Mechanism for the repair or removal of abandoned or derelict farms and reinstatement of the environment.</p>	Controlled	27.4.30
b	An application for a new coastal permit to continue the same aquaculture activity which is not provided for by Rule 31.5.2 (a).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	<p><b>The establishment of aquaculture activities</b>, where the activities (including the proposed species, structures and methodology for the proposed aquaculture activities) are considered by the consent authority to be <b>explicitly provided for within the AMA concerned</b>. These activities include:</p> <p>(i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;</p> <p>(ii) Any associated disturbance of the foreshore and seabed, and deposition or discharge of material in the coastal marine area.</p>	<p>The applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for marine farming activities within the Aquaculture Management Area. The <b>species</b> to be farmed is explicitly provided for within the AMA, and the <b>methods</b> of farming, including details of proposed <b>structures</b> are in accordance with the methodologies approved for the AMA concerned.</p> <p><b>The activity shall comply with all relevant standards listed in section 31.5.10.</b></p> <p>The term of the coastal permit shall be up to 25 years.</p>	<p>i) Water column sustainability including cumulative effects;</p> <p>ii) Provision of public access</p> <p>iii) Hydrodynamic effects, including cumulative effects;</p> <p>iv) Effect of specific farm location on benthic communities and habitat;</p> <p>v) Staging and timing of development;</p> <p>vi) Navigation and safety;</p> <p>vii) Structures and the use of technology to mitigate potential adverse environmental effects;</p> <p>viii) Monitoring parameters;</p> <p>ix) Duration of consent;</p> <p>x) Mechanism for the repair or removal of abandoned or derelict</p>	Controlled	27.4.31

			farms and reinstatement of the environment.		
d	<p>The <b>establishment of aquaculture activities</b>, where the activities, species to be farmed and proposed methodology, are considered by the consent authority as being <b>not explicitly provided for within the AMA concerned</b>.  These activities include:  (i) The erection, placement, use of and occupation of space by any structure necessary for carrying out aquaculture activities;  (ii) Any associated disturbance of the foreshore and seabed, and deposition or discharge of material in the coastal marine area.</p>	<p>The applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for aquaculture activities within the Aquaculture Management Area.  <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>  The term of the coastal permit shall be up to 25 years.</p>		Discretionary	
e	<p>The <b>establishment of any experimental aquaculture activities</b> including the erection, placement, use of and occupation of space by any structure necessary for the activities, and any associated disturbance of the foreshore and seabed, and deposition or discharge of material in the coastal marine area.</p>	<p>The applicant holds an authorisation issued by the Northland Regional Council to apply for a coastal permit for aquaculture activities within the Aquaculture Management Area.  <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>  The term of the coastal permit shall be up to 5 years.</p>		Discretionary	

### 31.5.3 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are:	Classification	References
a	The <b>repair, alteration, maintenance and replacement of existing structures for authorised aquaculture activities</b> , including associated buoys, lights and other navigation aids required for authorised aquaculture activities on the condition that:	i) The materials and structural design used are of a stability, strength and durability for the purpose and otherwise comply with relevant conditions of any existing lease, licence, or coastal permit; and (ii) All materials which are replaced or otherwise not required are removed from the coastal marine area; and (iii) All buoys, lights and other navigation aids have the approval of the Maritime Safety Authority or the Harbourmaster. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
b	The <b>erection, placement, use of and occupation of space</b> by any structure for a purpose other than aquaculture activities.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
c	The <b>demolition and removal of derelict, unauthorised, or unwanted structures</b> , including permanent swing moorings, on the condition that:	The activity does not: (i) Require the use of explosives or heavy machinery, compressors, pneumatic drills, or other similar equipment; or (ii) Prevent, or unduly interfere with, other lawful activities in the coastal marine area; or (iii) Result in any discharge or deposition of contaminants onto the foreshore or into adjacent coastal waters. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
d	The <b>demolition and removal of derelict, unauthorised, or unwanted structures</b> , including permanent swing moorings, which is not otherwise a permitted activity under Rule 31.5.3(b).	The term of the coastal permit for the demolition and removal of structures shall be no longer than is necessary to complete the operation. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	i) Duration of the permit; ii) Methods use to carry out the activity; iii) Methods of disposal of the removed material; iv) Timing of the activity in relation to tides, seasons, or other activities; v) Methods of restoration of foreshore or seabed where this is necessary; vi) Information and monitoring requirements; vii) Administrative charges payable.	Controlled	
e	The <b>placement, operation, and maintenance of equipment for</b>	(i) The Northland Regional Council is notified of the		Permitted	

	<b>environmental monitoring or data gathering purposes</b> , provided that the location, operation and maintenance of such equipment has the approval of the Harbourmaster.	activity prior to the placement; and (ii) The term of placement shall be no longer than one calendar year from the date of placement. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>			
f	The <b>placement of signage</b> by any statutory authority directly relating to information and safety matters concerning the coastal marine area; or as required by or in terms of any coastal permit, or the Building Act 1991.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	

#### 31.5.4 RECLAMATION AND IMPOUNDMENT

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	Any <b>new reclamation or impoundment</b> .			Prohibited	

#### 31.5.5 DISCHARGE

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	The <b>discharge of water onto the foreshore, seabed or into the waters of the coastal marine area</b> on the condition that:	(i) The discharge is free from any contaminant; and (ii) Does not result in permanent physical damage to the foreshore or seabed. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
b	The <b>discharge of contaminants</b> to water associated with the provision of feed and nutrient resources to marine farms.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	i) Effects on water quality ii) Monitoring parameters	Restricted Discretionary	
c	The <b>discharge of coastal water</b> and the <b>discharge of contaminants</b> to water from aquaculture activities that are not provided for by Rules 31.5.5(a) and (b).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
d	The <b>discharge of seawater</b> for fire fighting purposes or from the propulsion of boats and other vessels.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
e	The <b>discharge of contaminants</b> into the air from the operation of fuel burning equipment for cooking purposes using charcoal or LPG, with a capacity less than 40 kW.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
f	The <b>discharge of contaminants</b> into the air from the operation of fuel burning equipment with a capacity less	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	

	than 40 kW using diesel oil, petrol or LPG for the purposes of generating electricity.				
g	The <b>discharge</b> into the air of <b>contaminants</b> associated with <b>moving or stationary engine exhaust systems</b> . This excludes discharges associated with the normal operations of a ship or offshore installation, which are permitted under the Resource Management (Marine Pollution) Regulations 1998.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
h	The <b>discharge of any contaminants</b> to air that is not associated with Rules 31.5.5(e) to (g) or Rule 31.5.5(m).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
i	Any <b>discharge of human effluent, sewage and solid waste from boats and other vessels</b> onto the foreshore or seabed or into coastal waters.			Prohibited	
j	Any boat maintenance activity which causes or is likely to cause the <b>discharge of contaminants</b> into coastal waters or onto the foreshore or seabed.			Prohibited	
k	The <b>deposition of litter and solid domestic or industrial contaminants</b> onto the foreshore, or seabed or into coastal waters.			Prohibited	
l	The <b>discharge of contaminants</b> to water that is not provided for by any other rules in this section.			Prohibited	
m	The <b>discharge of contaminants</b> into the air from the open burning of the following waste materials: <input type="checkbox"/> Rubber, including tyres <input type="checkbox"/> Plastics <input type="checkbox"/> Plastic agricultural containers <input type="checkbox"/> Hazardous substances or containers of hazardous substances <input type="checkbox"/> Coated metal cables <input type="checkbox"/> Marine vessels (except in emergency situations) <input type="checkbox"/> Timber treated with CCA or organic substances			Prohibited	

### 31.5.6 TAKING AND USE OF WATER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	The <b>taking, use, and discharge of coastal water</b> , and the <b>discharge of biodegradable and organic matter</b> , for the purpose of harvesting, washing and sorting farmed shellfish on the condition	(i) A change in water colour or clarity outside the Aquaculture Management Area; or (ii) The accumulation of shell and other debris on the foreshore or seabed within or adjoining the Aquaculture		Permitted	

	that the activity does not result in:	Management Area. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>			
b	The <b>taking, use, and discharge of coastal water, and the discharge of contaminants to water</b> from aquaculture activities that are not provided for by Rule 31.5.6(a).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	The <b>taking and use of sea water</b> for fire fighting purposes and for the normal operational needs of vessels.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
d	The <b>taking and use of sea water</b> for other than fire fighting purposes or for the normal operational needs of vessels or for the purpose of washing and sorting farmed shellfish, on the condition that the activity does not:	(i) Change natural water and sediment movement patterns; or (ii) Change natural water quality; or (iii) Compromise the safe and efficient operation of a marine farm or the security of the farm. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
e	The <b>taking, use, or diversion of coastal water</b> (other than open coastal water) if the water, heat, or energy is required for an individual's reasonable domestic or recreational needs provided the taking, use, or diversion does not, or is not likely to:	(i) Have an adverse effect on the environment. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
f	The <b>taking, use, diversion or discharge of coastal water</b> that is not provided for by any other rules in this section.			Prohibited	

### 31.5.7 DREDGING AND DREDGING SPOIL DISPOSAL

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	Any <b>dredging</b> .	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
b	Any <b>dredging spoil disposal</b> .	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	

### 31.5.8 MOORINGS INCLUDING MARINAS

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	The <b>anchorage of vessels</b> required for marine farming operations.	(i) The anchored craft is in a position which does not interfere with the safe		Permitted	

		navigation of other vessels or other authorised uses of the coastal marine area; and (ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident or emergency. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>			
b	The <b>anchorage of vessels</b> which is not otherwise a permitted activity under Rule 31.5.8(a).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	The <b>placement, occupation of space for, and the use of, new permanent swing moorings</b> required for marine farming operations.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	i) Duration of the permit; ii) Location of the mooring; iii) Design and construction of the mooring; iv) Information and monitoring requirements; v) Administrative charges payable.	Restricted Discretionary	
d	The <b>placement, occupation of space for, and the use of, new permanent swing moorings</b> not required for aquaculture operations.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
e	Any <b>marina development</b> .			Prohibited	

### 31.5.9 OTHER

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or restrict its discretion are	Classification	References
a	The <b>disturbance of the foreshore or seabed</b> associated with the removal of shell and other debris derived from marine farming operations and that does not involve the use of vehicles on the foreshore on the condition that:	(i) The contour of the foreshore or seabed is not altered; and (ii) There is no change in water colour clarity outside the AMA as a result of the activity; and (iii) All material removed shall be disposed of in an authorised location. <b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Permitted	
b	<b>Disturbance of the foreshore</b> as a result of the use of vehicles for purposes associated with marine farming.	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Discretionary	
c	Any <b>disturbance of the foreshore or seabed</b> which is not provided for in Rules 31.5.9 (a) and (b).	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>		Non-complying	
d	Any <b>port development</b>			Prohibited	
e	The <b>removal or pruning of mangrove trees</b> where the growth or proliferation of these has led to:	<b>The activity shall comply with all relevant standards listed in section 31.5.10.</b>	i) Duration of the permit; ii) Coastal area covered by the permit; iii) Area of mangroves to	Controlled	

	(i) The obstruction of existing lawful public access to and within the coastal marine area; or (ii) Interference with the reasonable or safe use or operation of authorised structures or facilities on adjoining land or in the coastal marine area; or (iii) The blockage of existing man-made drainage channels to the extent that adjacent land is flooded.		be affected; iv) Methods used to carry out the activity; v) Methods of disposal of the removed material; vi) Timing of the activity in relation to tides, seasons, or other activities; vii) Information and monitoring requirements; viii) Administrative charges payable.		
f	<b>The removal or pruning of live mangrove trees</b> where the progressive growth or proliferation of these has led to: (i) the obstruction of existing public access to and along the coastal marine area; or (ii) interference with the reasonable or safe use or operation of authorised structures or facilities; on adjoining land or in the coastal marine area; or (iii) the blockage of existing man-made drainage channels to avoid the flooding of adjacent land.	The term of the coastal permit for removal pruning activities shall be no longer than necessary to complete the operation. The activity shall comply with all relevant standards listed in section 31.5.10	-the duration of the permit - the coastal area covered by the permit - the area affected - the methods used to carry out the activity - the methods of disposal of the removed material - the timing of the activity in relation to tides, season, or other activities - the information and monitoring requirements - the Administrative Charges payable	Controlled	9.1.5(4)

## SECTION 32 – ASSESSMENT CRITERIA

### 32.2.8 Marine Farms (other than structures)

1. Whether the species intended to be farmed is indigenous to, or has previously been cultivated in, New Zealand or Northland's coastal marine area and, if not, the likelihood of it becoming established 'in the wild'.
2. Whether the location of the proposed farm in relation to tidal height, wave exposure, and water quality is suited to the growing habit of the species to be farmed.
3. The availability of access to the proposed site.
4. Whether the applicant has an existing marine farm and the extent to which this is developed and/or utilised.
5. Whether the marine farm will require impoundment, structures, discharges or moorings.
6. Whether the construction, maintenance or operation of the proposed marine farm will require the use of vehicles in foreshore areas.
7. Whether spat or farm materials will be required to be stored outside **within** the proposed marine farm, but within **or outside** the coastal marine area.
8. The availability of associated land-based requirements necessary to operate the farm.
9. The degree of exclusive occupation of space required in relation to the available space within the locality and effects on existing uses of the coastal space.

## Auckland Regional Plan: Coastal

### Definition: def-1:

**Adaptive Management** Technique means staging the development of aquaculture within Aquaculture Management Areas to allow any actual or potential adverse cumulative effects to be determined by environmental monitoring. Further aquaculture development will be dependent on whether or not there are adverse environmental effects from the first stage of development.

**Aquaculture Activity(ies):** means marine farming or spat catching or both.

**Conventional inter-tidal aquaculture activities:** means the carrying out of inter-tidal aquaculture activities on racks or in cages.

**Conventional long line aquaculture activities:** means the carrying out of aquaculture activities on long lines.

**Conventional Oyster farming:** The inter tidal farming of oysters on racks.

**Conventional mussel farming:** The deep water farming of mussels on long lines.

### Policies 12.4.7

Structures in any Coastal Protection Area 1 may be considered appropriate if they are:

- a. for scientific and research purposes or for public education, and will enhance the understanding and long term protection of the Coastal Protection Area; or
- b. for navigation and safety; or
- c. for habitat maintenance and enhancement; or
- d. structures of benefit to the regional and national community and there are no reasonable or practicable alternatives to their location on land or elsewhere in the coastal marine area.

### Rules

#### Rule 12.5.5

The erection or placement of any temporary structure, and any associated occupation, subject to the following conditions:

- a. the temporary structure is not located in Coastal Protection Areas 1; and
- b. the temporary structure shall be in place for no longer than 14 days within any 6 month period; and shall be removed upon completion of the event or use for which it was erected; and
- c. any adverse effects arising from disturbance of the foreshore and seabed shall be able to be remedied by natural processes within 7 days of the disturbance; and
- d. public access to and along and within the coastal marine area is not prevented; and
- e. the temporary structure shall occupy the minimum area necessary for its purpose; and
- f. the temporary structure shall not cause a hazard to navigation; and
- g. the ARC is advised in writing of the details of the temporary structure, prior to its erection or placement; and
- h. any removal of indigenous vegetation shall be limited to that permitted by Chapter 16: Disturbance of Foreshore and Seabed; and any discharge shall comply with the provisions of Chapter 20: Discharge of Contaminants.

**Rule 15.5.9** Maintenance dredging in areas of the coastal marine area not covered by Rule 15.5.7, but not including Coastal Protection Areas 1.

**Rule 12.5.16** Structures for scientific research, public access, education and interpretative purposes, in those Coastal Protection Areas 1 and 2 which are not approved marine reserves or marine protected areas.

**Rule 12.5.16.1** The ARC will restrict the exercise of its discretion under Rule 12.5.16 to the following matters:

- a) adverse effects arising from the disturbance of the foreshore and seabed; and
- b) adverse effects arising from deposition of material in the coastal marine area; and
- c) any removal of indigenous vegetation; and
- d) any discharge of contaminants; and
- e) the design and external appearance of the structure; and
- f) the duration of the consent; and
- g) monitoring of the consent

Applications under Rules 12.5.16 and 12.5.17, will be considered without notification or the need to obtain the written approval of affected persons, in accordance with Section 94(1A) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification.

**Rule 12.5.17** Occupation associated with structures erected and placed entirely below the surface of the foreshore and placed entirely below the surface of the foreshore and seabed in areas other than prohibited anchorage areas. The ARC will restrict the exercise of its discretion to the matters specified in Rule 10.5.7a, d, e, f and g.

**Rule 18.2.2** Exotic or indigenous plants sourced from outside the same ecological district may be proposed for aquaculture, or for enhancing coastal stability. The introduction of plants for these purposes may be appropriate where any adverse effects on the environment, including any effects on naturally occurring habitats and local indigenous species, are known and can be avoided or remedied. Exotic plants may be the only plants able to be used for avoiding or remedying coastal instability, when appropriate indigenous plant species cannot be sourced.

**Rule 18.4.1** The planting, transplanting or introduction of any plant in the coastal marine area shall be avoided where it will: a result in more than minor modification of, or damage to, or the destruction of the values of any Coastal Protection Area 1 or Tangata Whenua Management Areas; or b modify, damage or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

**Rule 18.4.3** The introduction of exotic plant species into the coastal marine area shall be considered inappropriate unless the actual or potential adverse effects are known and can be avoided or remedied.

**Rule 18.4.5** The planting of indigenous plants in the coastal marine area which have not been sourced from the same ecological district shall be considered inappropriate unless it can be demonstrated that: a it is not practicable to use local indigenous plants from within the same ecological district; and b adverse effects on local indigenous flora in the coastal marine area will be avoided, remedied or mitigated; and c any disturbance to the foreshore and seabed will be minimised, and will be consistent with Rule 16.5.7; and d the planting will not result in a change to natural coastal processes, unless it is for the purpose of mitigating a coastal hazard; and e the planting will not adversely affect from the natural character of the area.

**Rule 18.5.1** The introduction or planting of any indigenous plant in the coastal marine area, except as prohibited by Rule 18.5.6.

**Rule 18.5.2** The introduction or planting of any plant in the coastal marine area not provided for as discretionary or prohibited activity in any other rule contained in this chapter.

**Rule 18.5.3** Any non-complying introduction of any exotic plant species.

Part I, Clause 2(a) of the Second Schedule of the RMA states that a regional coastal plan may, where appropriate, provide for the recognition of opportunities for aquaculture. Section 68A of the Resource Management Act states that a regional coastal plan may include Aquaculture Management Areas where the provisions of the plan (including the size and location of the area) will avoid, remedy, or mitigate the adverse effects (including the cumulative effects) of aquaculture activities on the environment, including fishing and other uses of the coastal marine area. Outside these areas aquaculture activities are prohibited.

Aquaculture Management Areas have been defined in the Auckland Region to provide for aquaculture. The locations of these Aquaculture Management Areas are identified in Map Series 1 of the Plan Maps and include: Kaipara Harbour, Mahurangi Harbour, Matakana River, Kawau Island, Great Barrier Island, Waiheke Island and Wairoa Bay. Tendering is used to efficiently allocate space within these Aquaculture Management Areas that is not already allocated. The tendering process is detailed in section 22.5 Rules of this Chapter.

Aquaculture involves activities that are regulated by sections 12 and 15 of the RMA. This control extends to such activities as the placement or erection of structures or other equipment, the disturbance or deposition of matter on the foreshore and seabed, occupation and use of the coastal marine area, and the discharge of contaminants. Those activities are relevant to the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, including spat, or seaweed, for harvest. The rules of this Plan require that, in most cases, these activities or works require resource consent.

Aquaculture usually involves activities which are controlled by sections 12 and 15 of the RMA. These include control over such activities as the placement or erection of structures or other equipment, the disturbance or deposition of matter on the foreshore and seabed, and the occupation and use of the seabed or water in the coastal marine area. Such activities are part of the breeding, collection, cultivation, growing, or harvesting of fin fish, shellfish, marine vegetation or other forms of aquatic life. The rules of this Plan require that in most cases these activities or works require a resource consent. However, the activities of collection, breeding, cultivation, growing or harvesting of fish and shellfish are controlled by Minister of Fisheries under Fisheries legislation.

The ARC, when providing for aquaculture, is required to consider all environmental effects, including the impact of aquaculture on the environment and the use and sustainability of fisheries resources.

The Ministry of Fisheries is required to consider the impact of aquaculture on the access to the fisheries resource. It is noted that some iwi are pursuing common law and Treaty claims on areas of the foreshore and seabed to recognise Maori customary title to the foreshore and seabed. The ARC recognises that any decision of the Courts and direction from central government with respect to these claims will have to be complied with, insofar as it concerns the Resource Management Act. The outcome of any claim may impact on the management of aquaculture.

The Hauraki Gulf Marine Park Act 2000 encompasses the coastal marine area on the east coast of the Auckland Region and the Waikato Region and is therefore a key piece of legislation for considering aquaculture in this part of the Auckland Region. The purpose of this Act is to integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments which together comprise the Hauraki Gulf Marine Park, and to establish objectives that recognise the historic, traditional, cultural, and spiritual relationship of tangata whenua with the Hauraki Gulf and its islands.

Aquaculture is an industry of growing social and economic importance in New Zealand, both locally and nationally, and can be a sustainable use of natural and physical resources if it is appropriately located and managed. It is a rapidly an expanding industry that provides economic benefits such as employment, as well as social and cultural benefits. particularly as farms are often located in the coastal marine area adjoining rural areas where there are few employment opportunities. The presence of aquaculture may can also enhance recreational fishing and provide a focus of interest for tourists.

In addition to social and economic benefits, Aquaculture provides an important alternative source of fish and shellfish, which assists in reducing pressure on the natural fish and shellfish stock. It is an industry that is continuing to evolve, developing using methods and species not previously used in aquaculture.

While the benefits of aquaculture are many and varied, it should be recognised that other uses of the coastal marine area, such as recreational boating and commercial shipping, also provide social and economic benefits. It is necessary to provide for the various activities within the coastal marine area in a way that maximises the benefits they provide.

Aquaculture requires the occupation of coastal space which, for the most part, is currently deemed to be crown owned public space. Coastal space is utilised for a wide variety of activities and has significant values such as natural character, landscape, ecological, cultural and recreational values. In effectively and efficiently providing for aquaculture development in the Auckland Region, competing demands for the use, development and protection of coastal space, and the cumulative effects of the occupation of coastal space on the environment, particularly public access and amenity, need to be carefully considered. In a region with approximately 100, 000 recreational vessels and significant commercial fishing and transport demands, and a population that is predicted to double in size over the next fifty years, there is a strong need for the Auckland Region to adopt a framework for managing aquaculture activities that can cope with intensifying pressure on resources within the coastal marine area.

**Policy 22.3.1** To recognise the benefits of both aquaculture and other uses of the coastal marine area and to appropriately provide for the development of aquaculture activities within Aquaculture Management Areas.

**Policy 22.3.5** To take a precautionary approach in determining an appropriate scale and quantity of aquaculture activities, and in determining species to be farmed, within the Aquaculture Management Areas in the Auckland Region to ensure that the adverse effects (including cumulative effects) on the coastal environment are avoided, remedied or mitigated.

**Policy 22.4.4** Existing consent applications held by the ARC that have been placed on hold by section 150B of the Resource Management Act and which relate to locations within Aquaculture Management Areas will be processed in order of receipt. All other coastal space within Aquaculture Management Areas that is not subject to existing consent applications at the date this variation becomes operative will be allocated by tendering (as outlined in Introduction 22.5.1).

**Policy 22.4.5** Existing aquaculture activities authorised by a Marine Farming Authorisation or Marine Farming Lease or Licence that are located within an Aquaculture Management Area will have a single preferential right to apply for a new coastal permit for occupation on expiry of the deemed coastal permit and will not be subject to the tendering process.

**Policy 22.4.6** The development of new aquaculture activities within Aquaculture Management Areas located at Waiheke Island (6A, D-G) and Wairoa Bay (7A) shall be provided for only by the expansion of existing marine farms. The development of aquaculture activities within the Aquaculture Management Area located at Waiheke Island (6C) shall only be provided for by the closure of the Aquaculture Management Area located at Waiheke Island (6B).

**Policy 22.4.7** The development of new aquaculture activities within Aquaculture Management Areas located in the Mahurangi Harbour (2A-J) shall be provided for only by the closure of another existing marine farm of the same or larger size, scale and intensity, except for Aquaculture Management Area 2F which provides for the expansion of an existing marine farm.

**Policy 22.4.8** A precautionary approach shall be taken in the assessment and management of aquaculture:

- a) that which proposes using species or techniques of cultivation which have not been previously farmed tried in the Auckland Region previously; and
- b) where any actual or potential effects are not fully known. Note: An adaptive management technique

(See Definitions) has been applied in this chapter of the Plan to manage the risk of actual or potential cumulative effects on the environment.

**Policy 22.4.9** The development of aquaculture within Aquaculture Management Areas in the Kaipara Harbour shall be staged to avoid, remedy or mitigate the adverse cumulative environmental effects of aquaculture. The initial allocation shall allow for 50% of each coastal permit for aquaculture activities approved to be developed. Once environmental monitoring demonstrates that there are no significant adverse environmental effects from that 50% of development, a further 25% of the coastal permit shall be entitled to be developed. Once environmental monitoring demonstrates that there are no significant adverse environmental effects from this 75% of development, the final 25% of the coastal permit for aquaculture activities approved shall be entitled to be developed. Note: Environmental monitoring will be carried out by marine farmers and the ARC.

Note: In accordance with the proposed amendment legislation, aquaculture development can only proceed in areas that either have no “undue adverse effect” (as defined in the Fisheries Act 1983) on commercial fishing, or if they do, then it must be shown that a voluntary agreement has been reached between the prospective marine farmer and those entities that own or hold the long-term commercial harvesting rights in affected fisheries. (See Other Method 22.6.9)

**Policy 22.4.10** The duration of resource consents for aquaculture activities will be limited to a maximum of 10 years to protect the interests of iwi in Treaty and common law claims to ownership of the foreshore and seabed.

**Policy 22.4.11** The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any discretionary activity any aquaculture proposals to undertake aquaculture activities within Aquaculture Management Areas.

**Policy 22.4.12** Any proposal for aquaculture activities within an Aquaculture Management Area shall demonstrate that:

- a) the aquaculture activity shall be established in accordance with the Maritime Safety Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001 (As contained in Appendix I);
- b) any discharge of contaminants from the aquaculture activity shall comply with the provisions of Chapter 20: Discharges of Contaminants;
- c) adverse effects from the aquaculture activity on the sustainability of marine ecology, including the benthic environment, shall be avoided, remedied or mitigated;
- d) all structures relating to the aquaculture activity shall, as far as practicable, be of an appropriate scale, design, colour, and location so as to avoid, remedy or mitigate adverse effects on the coastal environment;

**Policy 22.5.2** The alteration of any existing lawful structure within an Aquaculture Management Area necessary for carrying out conventional long line or inter-tidal aquaculture activities for bivalve culture, subject to the following standards and terms: a the aquaculture activity does not exceed the area for which it is authorised to occupy.

**Policy 2.5.3** The ARC will have control over the following matters in Rule 22.5.2:

- a) the condition and maintenance of any structure;
- b) adverse effects arising from disturbance of the foreshore and seabed;
- c) adverse effects arising from deposition of material in the coastal marine area;
- d) methods required to remedy or mitigate adverse effects of the marine farm;
- e) any discharge of contaminants;
- f) whether approval has been given for necessary land-based activities;
- g) navigation and safety matters;
- h) the duration, monitoring and review of the consent; and
- i) environmental monitoring. Applications for resource consent under this rule will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1)(b) of the RMA, unless in the opinion of the ARC there are special circumstances justifying notification or written approval.

**Policy 22.5.4** To reapply for an expired coastal permit or a deemed coastal permit, for the use of, and occupation of space by any structure necessary for carrying out aquaculture activities within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, subject to the following standards and terms:

- a) a the deemed coastal permit is being renewed for no more than fourteen years, subject to the total period, from the date it became a deemed coastal permit, not exceeding twenty years;
- b) b the structure complies with all the terms and conditions of the coastal permit or deemed coastal permit;
- c) c the structure is in the location approved in the coastal permit or deemed coastal permit and it has not been extended or relocated from this location.
- d) d the owner of the structure shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner.
- e) e any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate.

**Policy 22.5.5** The erection, placement, use of, and occupation of space by any structure necessary for carrying out conventional long line aquaculture activities for bivalve culture within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area (excluding that covered by Rule 22.5.4), subject to the following standards and terms:

- a. a the applicant either:
  - i. i has an application on hold under section 150B of the Resource Management Act; or
  - ii. ii has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);
- b. b development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated on the coastal permit, failing either of these the coastal permit shall lapse;
- c. c the applicant shall include with the application a management plan that details the following:
  - i. the proposed marine farm site (including surveyed grid references);
  - ii. marine farm layout (including number of buoys and lines);
  - iii. species to be farmed;
  - iv. type and placement of navigational markings and compliance with the Maritime Safety Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;
  - v. anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
  - vi. methods to be used for the collection and disposal of non-biodegradable material;
  - vii. method to be used for harvesting the crop and accessing the farm;
  - viii. methods to be used for the disposal of nonsaleable crop; ix on-shore facility requirements;
  - ix. environmental monitoring programme to meet the requirements of staged development;
  - x. nature of operation and operating times;
  - xi. additional mooring requirements;
- d. d the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
- e. e any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
- f. f any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of the aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.

**Policy 22.5.6** The erection, placement, use of, and occupation of space by any structure necessary for carrying out conventional inter-tidal aquaculture activities for oysters within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, (excluding that covered by Rule 22.5.4 and Rule 22.5.7), subject to the following standards and terms:

- a. the applicant either:
  - i. has an application on hold under section 150B of the Resource Management Act; or
  - ii. has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);
- b. development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated on the coastal permit, failing either of these the coastal permit shall lapse;
- c. the applicant shall include with the application a management plan that details the following:
  - i. the proposed marine farm site (including surveyed grid references);

- ii. marine farm layout (including number of buoys and lines);
  - iii. type and placement of navigational markings and compliance with the Maritime Safety Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;
  - iv. anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
  - v. methods to be used for the collection and disposal of non-biodegradable material;
  - vi. method to be used for harvesting the crop and accessing the farm;
  - vii. methods to be used for the disposal of non-saleable crop;
  - viii. on-shore facility requirements;
  - ix. environmental monitoring programme to meet the requirements of staged development;
  - x. nature of operation and operating times;
  - xi. additional mooring requirements;
- d. the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
  - e. any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
  - f. any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.

**Policy 22.5.7** The erection, placement, use of, and occupation of space by any structure necessary for carrying out conventional inter-tidal aquaculture activities for oysters within an Aquaculture Management Area in:

i Mahurangi Harbour 2A-J, or  
 ii Waiheke Island 6B and C as shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area, (excluding that covered by Rule 22.5.4), subject to the following standards and terms:

- a) the development of new aquaculture activities within Aquaculture Management Areas 2A-E, 2GJ shall only occur with the closure of an existing marine farm of the same or larger size, scale and intensity, except for Aquaculture Management Area 2F which provides for the expansion of the existing marine farm; Note: Standards and terms c and d of this Rule do not apply to the expansion of aquaculture activities at 2F;
- b) the development of new aquaculture activities within the Aquaculture Management Area 6B shall only occur with the closure of Aquaculture Management Area 6C.
- c) the area being applied for is of the same or smaller size, scale and intensity as the area being relinquished;
- d) all structures associated with the area being relinquished shall be removed and appropriately disposed of and any consequential disturbance to the foreshore and seabed shall be remedied;
- e) the applicant either: i has an application on hold under section 150B of the Resource Management Act; or ii has obtained the right to apply for a coastal permit to carry out aquaculture activities through the tendering process (as outlined in Introduction 22.5.1);
- f) development of the aquaculture activity has commenced within two years of the approval of the coastal permit, or such other time as stated on the coastal permit, failing either of these the coastal permit shall lapse;
- g) the applicant shall include with the application a management plan that details the following:
  - a) the proposed marine farm site (including surveyed grid references);
  - b) marine farm layout (including number of buoys and lines);
  - c) type and placement of navigational markings and compliance with the Maritime Safety Authority's Guidelines on Applications for Coastal Permits Relating to Marine Farming, 2001;

- d) anticipated development programme in accordance with Policy 22.4.9 regarding staged development);
- e) methods to be used for the collection and disposal of non-biodegradable material;
- f) method to be used for harvesting the crop and accessing the farm;
- g) methods to be used for the disposal of non-saleable crop; viii on-shore facility requirements;
- h) environmental monitoring programme to meet the requirements of staged development;
- i) nature of operation and operating times;
- j) additional mooring requirements;
- h) the applicant shall provide a bond in favour of and to the satisfaction of Auckland Regional Council in respect of the likely costs of the removal of the structure in the event of default by the owner;
- i) any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring re-surveying every 7 years to ensure records remain accurate;
- j) any coastal permit issued under this Rule for aquaculture activities shall include a consent condition requiring development of aquaculture activities to be undertaken using a staged approach in accordance with Policy 22.4.9 of this chapter.

**Policy 22.5.8** The ARC will restrict the exercise of its discretion under Rules 22.5.4 to 22.5.7 to the following matters:

- a) a navigation and safety, including lighting;
- b) b ecological effects;
- c) c extent and nature of disturbance to the foreshore and seabed;
- d) d whether approval has been given for necessary land-based activities;
- e) e monitoring;
- f) f duration and review of consent;
- g) g methods required to remedy or mitigate any adverse effects of the marine farm;
- h) h cumulative effects;
- i) i mooring requirements.

NB: A note shall be added to the resource consent that registration with the Ministry of Fisheries' Register of Fish Farms is compulsory once consent to farm fish aquatic life or seaweed has been obtained. If taking and farming of spat requires structures and/or occupation then it will be treated as marine farming in this Variation. If it doesn't require structures and/or occupation then it will be authorised via a spat catching permit granted by Ministry of Fisheries under the Fisheries Act 1996. Applications for resource consent under Rules 22.5.4 to 22.5.7 will be considered without notification or the need to obtain the written approval of affected persons, in accordance with section 94(1A) of the RMA unless, in the opinion of the ARC, there are special circumstances.

**Policy 22.5.9** The erection and placement of any structure and/or use of and occupation of space necessary for carrying out aquaculture activities within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area that is not provided for in Rules 22.5.2 to 22.5.7, or Rules 22.5.10 – 22.5.14 of this chapter.

**Policy 22.5.10** The erection and placement of any structure and/or use of and occupation of space necessary for carrying out aquaculture activities within an Aquaculture Management Area shown in Map Series 1 of the Plan Maps, and associated discharges to water, and disturbance of the foreshore and seabed and deposition of material in the coastal marine area which does not meet the standards and terms of Rules 22.5.2 to 22.5.7 of this chapter.

**Policy 22.6.1** The ARC will liaise with appropriate representatives of aquaculture shellfishing and fishing industry organisations in respect of aquaculture issues.

**Policy 22.6.6** The ARC will protect the interests of tangata whenua by promoting the utilisation of aquaculture to facilitate the social, economic and cultural wellbeing of current and future generations of iwi, hapu and whanau by: a recognising that Tangata Whenua can obtain positive, social, economic and cultural benefits from opportunities to develop aquaculture activities within Aquaculture Management Areas; And b

having regard to the cultural association of iwi, hapu and whanau through the allocation of space within Aquaculture Management Areas.

**Policy 22.6.7** The ARC will liaise with the Ministry of Fisheries, the Aquaculture Industry, research institutions, and other regional councils on studies being undertaken, and will undertake research on the effects of aquaculture on the coastal marine area.

**Policy 22.6.13** The ARC recognises that the demand for farming other aquatic species, eg. fish farming in the coastal marine area of the Auckland Region may increase in the future. The ARC will liaise with the Ministry of Fisheries, the aquaculture industry, research institutions, and other regional councils to keep up to-date on progress made in other areas of aquaculture, including research into the effects of other aquatic species on the coastal environment, so that if necessary, other aquatic species can be provided for at an appropriate scale and in an appropriate location in the future.

## Waikato Regional Coastal Plan

Operative: 27 October 2005

### Appendix VI - Glossary:

**Marine Farming** means the activities of breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fin fish, shellfish, aquatic life or marine vegetation (and includes spat catching and spat holding), and includes the placement or erection of structures or other equipment, the disturbance of matter on the foreshore and/or seabed, and the use and occupation of the foreshore, seabed or water in the CMA (it should be noted that the breeding, hatching, collection, cultivation, rearing, on-growing or harvesting of fish, shellfish are controlled by the Ministry of Fisheries).

### 3.2.4 Policy - Exotic Plant Control

**Avoid the introduction of any exotic plant species in the CMA where that plant is not already present, and ensure that the adverse effects of any existing exotic plant species are remedied or mitigated.**

**Explanation and Principal Reasons for Adopting:** Exotic plants have the potential to severely degrade natural ecosystems. Often it is difficult to predict the effects introduced species will have on indigenous species, and unlike pests and weeds on land, once a species is established it is unlikely it can be eradicated. Therefore, strict rules on exotic species are necessary for the protection of natural biological diversity, amenity values and economic farming/fishing ventures.

## 6 Marine Farming

This chapter relates to marine farming throughout the coastal marine area of the Waikato Regional Council<sup>1</sup>.

The cultivation of marine species takes various forms, including suspended culture from rafts, longlines, inter-tidal racks and bottom sea culture. New forms of technology are continually being explored to increase farming efficiency and capability and to reduce environmental impacts. At present, the two major types of marine farming within the Waikato Region are conventional mussel longlines and inter-tidal oyster rack farms. The majority of marine farms are found off the West Coast of the Coromandel Peninsula, offshore between Wilson Bay and Papaaroha, because of the favourable climate and water temperatures, high water quality, nutrient availability and a number of sheltered areas.

Conventional longline mussel farms usually require permanent and relatively deep water in order to achieve optimum growth, while oyster farms are generally established within inter-tidal areas on conventional rack structures. While the majority of longlines are currently used for growing mussels, technology improvements have meant that different marine species, e.g. oysters, scallops, seaweed and sponges can also be grown on the same longline structures, with little change in the environmental effects produced. The RCP needs to be sufficiently flexible in order to accommodate new farming technology, while ensuring the adverse effects of all types of marine farming are adequately addressed.

Marine farming is an industry of increasing social and economic importance, and can be a sustainable and efficient use of the CMA if it is appropriately located and managed. Some of the benefits of marine farming include:

- economic and social benefits, including direct and indirect employment opportunities.
- reduction of the pressure on natural fish and shellfish stocks by providing an important alternative source of fish and shellfish.
- enhancement of recreational fishing.
- providing a focus of interest for tourists.
- providing a good indicator of the quality of coastal waters because of requirements for clean, high quality water.

Many parts of the CMA are highly valued for their natural character, landscape, amenity, ecological, cultural and recreational values. Marine farming can conflict with other uses and values and can have adverse effects on the CMA, although many of these effects can be avoided, remedied or mitigated by appropriate site selection, choice of marine farming operation and farm management practices. Adverse effects may include:

- alteration of natural coastal processes, particularly sediment transport processes from marine farm structures, and nutrient cycling processes.
- deposition of shell and waste material beneath farms.
- disposal of non-biodegradable material into the CMA, including plastic floats, buoys, ties and ropes.
- degradation of natural character, landscape and amenity values.
- disturbance to the foreshore and seabed.
- adverse effects on ecology and marine habitat, including the smothering or displacement of marine species living directly beneath farms and the introduction of organisms with biosecurity or biodiversity risks through marine farming activities.
- restrictions on public access.
- exclusion of other uses from marine farming areas.
- conflicts with recreational uses and boat mooring areas.
- adverse effects on navigation safety.
- impacts on onshore facilities (e.g. landing facilities, roads).
- high levels of noise associated with marine farming operations.
- adverse effects on water quality, particularly if artificial food, antibiotics or high levels of organic waste are added to the water, or if shellfish are washed down or cleaned in the CMA.
- adverse effects on areas of significance to tangata whenua.

Tikapa Moana (Hauraki Gulf) is a taonga, an ecosystem of great importance to the Hauraki people of today, of the past and for future generations. It is a productive environment, sustaining abundant customary fisheries. Marine farming may adversely affect the relationship of tangata whenua with their ancestral taonga, particularly by restricting access to and use of traditional coastal resources, such as customary values and interests to the foreshore and seabed, customary fisheries and fisheries management.

Tangata whenua have lodged applications with the Maori Land Court for recognition of their customary title to the foreshore and seabed around the Coromandel Peninsula, including the greater part of the Firth of Thames. There are also Waitangi Tribunal claims for land including parts of the seabed and foreshore around the Coromandel Peninsula. These applications/claims seek legal recognition of tangata whenua customary ownership rights to areas of the foreshore and seabed. Customary ownership and its importance to tangata whenua is part of cultural well-being. Recognising the characteristics of Tikapa Moana that have special value to tangata whenua needs to be recognised in relation to Part II of the RMA.

Most of the western Coromandel Peninsula coastline has been closed to new marine farm applications since the early 1980s by gazette notices issued under the Marine Farming Act 1971. Therefore, there are currently a limited number of marine farms established along this coast. However, demand for space for new marine farming development is high, particularly offshore from the Wilson Bay area. This trend could potentially continue into the future. The careful allocation and management of space for marine farming will be critical to achieving sustainable management of the natural and physical resources of the CMA.

The NZCPS provides for the use of a precautionary approach to help avoid the effects of activities on the environment where there is a lack of understanding about coastal processes and the effects of those activities on coastal processes, particularly where the effects of those activities are unknown or not well understood. There is a limited amount of information available on the cumulative effects of marine farms on marine ecosystems, both over time and within areas subject to a concentration of development. In addition, the environmental effects of large blocks of concentrated marine farm development, e.g. areas of development greater than 50 hectares, particularly in the Firth of Thames semi-enclosed water body, is uncertain.

Most marine farming operations have associated requirements for land-based facilities, e.g. wharf facilities, processing and disposal of waste, transport and communication links (roading, telephone and power), plant and equipment requirements, water supply and wastewater disposal. Approval of these activities where they are located above MHWS, is the responsibility of territorial authorities. Regional councils are responsible for issuing resource consents for marine farming activities below MHWS. In order to achieve integrated management, Environment Waikato and territorial authorities need to adopt a consistent and co-operative approach in dealing with marine farming.

If produce from the marine farm is to be sold for human consumption, a sanitary survey for the proposed farm area needs to be completed by Health Waikato to ensure the water quality meets national marine farming standards.

Marine farming is also affected by land uses above MHWS which can have an adverse effect on coastal water quality and influence the ability of an area to sustain marine farming activities. Health Waikato undertakes regular water quality monitoring within marine farm areas, and can close marine farms down if discharges or heavy rainfall cause a risk to human health through the consumption of shellfish from these areas.

Integration and co-ordination between all agencies with marine farming responsibilities is important in achieving a consistent management approach and in promoting the sustainable management of coastal resources.

Under section 12A of the Resource Management Act 1991 marine farming can only occur within Aquaculture Management Areas (AMAs) that have been approved by the Ministry of Fisheries, and farmers must be listed on the Fish Farmer Register maintained by the Ministry.

#### 6.1.1 Policy - Marine Farm Structures

Take a precautionary approach to marine farm development by ensuring that the erection, placement, use of, and occupation of space by any marine farm structure in the coastal marine area avoids as far as practicable any adverse effects (including cumulative effects) on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.

**Explanation and Principal Reasons for Adopting:** Structures are necessary components of marine farming activities and it is recognised some adverse effects will occur from their erection, placement, use and occupation. However, there is also a limited amount of information available on the effects (particularly cumulative effects) of marine farms on marine ecosystems, both over time and within areas subject to a concentration of development, for example the Firth of Thames semi-enclosed water body. This policy provides for a precautionary approach to be taken towards the development of new marine farms. It allows for the establishment of, use of, and occupation of space by new marine farming structures in the coastal marine area provided they avoid adverse effects (including cumulative effects) as far as practicable on natural character, coastal processes, water quality, navigation safety, and amenity, aesthetic, landscape, ecological, recreational and cultural values. This policy also recognises that the introduction of organisms with biodiversity or biosecurity risks through marine farming activities is a potential adverse effect on the natural biodiversity of the coastal marine area which should be avoided (refer also to Policy 3.4.3 Biodiversity). This policy promotes the purpose of the RMA, and is consistent with NZCPS policies 1.1.1, 1.1.2, 1.1.3, 1.1.4 and 3.2.2, by providing a clear direction to resource users that the adverse environmental effects of marine farm development, both on the coastal marine area and wider coastal environment, are to be avoided as far as practicable. It is also consistent with NZCPS Policy 3.3.1 (adoption of a precautionary approach).

#### 6.1.4 Policy - Efficient Use and Development of Coastal Space

On the western coast of the Coromandel Peninsula, promote the efficient use and development of space which is allocated for marine farming purposes by:

- i. using coastal tendering to allocate any space which has not been developed; and
- ii. requiring the Wilson Bay marine farming zone (as identified in Map 11 and Schedule 6 in Appendix III) to be significantly developed before Council initiates or adopts a request for any change to the Plan which provides for further development elsewhere.

**Explanation and Principal Reasons for Adopting:** The western coast of the Coromandel Peninsula is currently subject to a high demand for space for marine farming, and there is limited suitable space available for marine farming in other parts of the Region. To avoid the adverse effects of marine farms on the coastal environment as far as possible, sporadic developments will

be avoided and the appropriate use of any space allocated for marine farming will be encouraged. Thus, on the western coast of the Coromandel Peninsula, a marine farming zone has been identified (refer Map 11 and in Schedule 6 in Appendix III) within which marine farms will be located. Development will be required to progress significantly in the zone before further development on the western coast of the Coromandel Peninsula will be considered. Further development in the coastal marine area will be provided through a change to the Plan. This ensures that any future marine farm development is the subject of wide public consultation. Where farming does not occur in any area that has been allocated for marine farming, coastal tendering (provided for in s165E of the RMA) will be used as a method to efficiently allocate the undeveloped space. This Policy therefore promotes the sustainable management of coastal resources within the CMA (s5 RMA), and provides for the efficient use and development of coastal resources (s7(b) RMA), throughout the Region.

#### **16.5.1 Fish Aggregation Devices and Spat Catching Buoys and Lines (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any structure in the CMA for operation as:

- i. a fish aggregation device; or
- ii. buoys and lines for spat collection purposes outside of the Wilson Bay marine farming zone as identified in Map 11 in Appendix III of the Plan;

is a discretionary activity provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i. The fish aggregation device shall not be located inside any harbour; shall be located at least 300 metres offshore; and shall be located at least 5 kilometres away from any other fish aggregation device.
- ii. The total surface area occupied by the fish aggregation device shall not be greater than 3 metres in diameter.
- iii. The structure shall not be located within 200 metres of any jetty, boat ramp or any other point of regular public use, including ski-lanes.
- iv. The structure shall not be located on, or adversely affect, any benthic reef community<sup>1</sup>.
- v. The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- vi. The structure shall be clearly marked with the owner's name and coastal permit number.
- vii. The structure shall not cause a navigation hazard.
- viii. The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.

- ix. The Hydrographic Office of the Royal New Zealand Navy and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- x. The owner of the structure shall maintain all buoyage and beaconage requirements.
- xi. No artificial foods or antibiotics shall be added to the water.
- xii. The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xiii. The structure shall be completely removed by the owner at the expiration of the resource consent.
- xiv. The owner of the structure shall provide the map reference of the corner points of the structure (to an accuracy of at least plus or minus 10 metres) to confirm the structure is located in its approved location, as directed from time to time by Environment Waikato.
- xv. The applicant shall undertake an ecological investigation of the proposed area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xvi. The owner of the structure shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the structures on the environment. In addition, the owner of the structures shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.

### **Assessment Criteria**

In assessing any application for structures under this Rule, regard shall be had to the following:

- i. The structure shall not be located in any area identified by the tangata whenua as waahi tapu.
- ii. The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this Plan.
- iii. The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

**Principal Reasons for Adopting:** This Rule provides for the establishment of fish aggregation devices and spat catching buoys and lines within the coastal marine area. NB: This Rule does not relate to longline spat catching structures located within the Wilsons Bay marine farming zone – these structures are provided for under Rule 16.5.4 as part of the activity of marine farming. It is recognised that structures used as fish aggregation devices and spat catching buoys and lines can have adverse effects (including cumulative effects) on the environment. These include, for example, cumulative effects on recreation, natural character, amenity, landscape and seascape, cultural and ecological values, and navigation safety. By providing for these structures as discretionary activities, and specifying standards and terms that must be met, the effects of these structures on the values identified can be avoided as far as practicable. It also allows for the

effects of these activities to be assessed on a case by case basis. The maintenance, repair, replacement and removal of structures are controlled under Rules 16.4.20 –16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned or derelict structures.

**Advisory Notes:**

- This Rule does not apply to longline spat catching structures located within the Wilson Bay marine farming zone, as identified in Map 11 in Appendix III of the Plan. These structures are provided for under Rule 16.1.4.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Spat catching is defined as an aquaculture activity by the Resource Management Act 1991. As such it can only occur within an Aquaculture Management Area described in the Regional Coastal Plan. Any person carrying out aquaculture must register with the Ministry of Fisheries.

**Footnotes**

1. For the purposes of clarification, this standard and term relates to benthic reef communities which may exist prior to any marine farming structure being erected, and does not include any benthic reef community that may have developed at the particular site since the initial establishment of the structure.

**16.5.2 Structures for Shellfish Research Purposes (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any structure in the Coastal Marine Area, excluding the area restricted in Rule 16.5.7, for shellfish research purposes (but not including structures for shellfish production-related purposes)<sup>1</sup>, is a discretionary activity provided it complies with the standards and terms stated in this Rule.

**Standards and Terms**

- i. The Hydrographic Office of the Royal New Zealand Navy and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii. The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.
- iii. The structure shall be clearly marked with the owner's name and coastal permit number.
- iv. The owner of the structure shall maintain all buoyage and beaconage requirements.
- v. The total surface area occupied by the structure shall not exceed 1 hectare.
- vi. The structure shall not be located within 200 metres of any jetty, boat ramp or any other point of regular public use, including ski-lanes.

- vii. The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- viii. No artificial foods or antibiotics shall be added to the water.
- ix. The structure shall not cause a navigation hazard.
- x. The structure shall not be located on, or adversely affect, any benthic reef community<sup>2</sup>.
- xi. The structure shall be completely removed by the owner at the expiration of the resource consent.
- xii. The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xiii. The applicant shall undertake an ecological investigation of the proposed area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.

#### **Assessment Criteria**

In assessing any application for structures under this Rule, regard shall be had to the following:

- i. The structure shall not be located in any area identified by tangata whenua as waahi tapu.
- ii. The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this Plan.
- iii. The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan and which are relevant to this activity

**Principal Reasons for Adopting:** This Rule provides for the establishment of structures that would be used for the purposes of experimental shellfish seeding and enhancement, or for other non-commercial and non-productive research on shellfish. The maintenance, repair, replacement and removal of marine farming structures is covered under Rules 16.4.20 – 16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned structures.

#### **Advisory Notes:**

- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- The words "shellfish research purposes" as used in this Rule do not include any structures associated with commercial scale developments, farming, harvesting, or any other production-related activities.

- Aquaculture research can only occur within an Aquaculture Management Area described in the Regional Coastal Plan. Any person carrying out aquaculture must register with the Ministry of Fisheries.

### 16.5.3 Current<sup>1</sup> Marine Farm Structures (Discretionary Activity)

*[This part of the Plan is subject to an appeal to the Environment Court]*

The use of, or occupation of space by any marine farm structure in the CMA, and associated discharges to water and air, and the disturbance of and deposition on the seabed, for the same activity and location as covered by a current marine farming lease or licence granted under the Marine Farming Act 1971; or a current coastal permit under the Resource Management Act 1991 or a current marine farming permit under the Fisheries Act 1983 is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

#### **Standards and Terms**

- i. The structure shall have a current lease or licence under the Marine Farming Act 1971 or a current coastal permit under the Resource Management Act 1991 or a current marine farming permit under the Fisheries Act 1983.
- ii. At the time of making a coastal permit application, the structure shall comply with all terms and conditions of the current lease or licence granted under the Marine Farming Act 1971, current marine farming permit granted under the Fisheries Act 1983 or current coastal permit granted under the Resource Management Act 1991.
- iii. The structure is in the location approved in the current lease, licence or coastal permit (refer to the Marine Farming Maps and Schedule of Current Marine Farms in Appendix III of the Plan), and it is not extended or re-located from this location.
- iv. The marine farm structure is of the same type and form as approved in the current lease, licence, marine farming permit or coastal permit.
- v. The structure shall be marked in accordance with the buoyage and beaconage requirements of the Maritime Safety Authority.
- vi. Landing, loading and unloading activities within the Waikato Region<sup>2</sup> associated with the operation of the marine farm shall occur only at authorised land facilities or site<sup>3</sup>.

#### **Assessment Criteria**

In assessing any application for current marine farm structures, regard shall be had to the following:

- i. The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the ASCV Maps in Appendix III and described in Appendix IV of this plan.
- ii. The Decision-Making Criteria and Considerations which are set out in the General and Marine Farming sections of Appendix II of this Plan.
- iii. The extent to which the area granted by the current lease, licence, marine farming permit or coastal permit has been fully developed.

**Principal Reasons for Adopting:** The intent of this Rule is to provide a process whereby “current” lease or licence holders can apply for a coastal permit (for the same activity and location as covered in the lease/ licence) if they choose to do so, and where those “current” coastal permit holders can apply for a new coastal permit (for the same activity and location) before their existing coastal permit expires<sup>4</sup>.

The discretionary activity status recognises that the pre-RMA farms should be re-considered under the RMA, with particular attention given to sustainable management and cumulative effects. This will enable Environment Waikato to help ensure that these marine farms are managed consistently, and that any adverse environmental effects are addressed. (Refer also to Policy 3.3.1 of the NZCPS)

This Rule only applies to those farms that are referenced in the Marine Farming Maps and the Schedule of Current Marine Farms as contained in Appendix III of the Plan. A coastal permit will not be granted under this Rule unless the standards and terms stated are complied with. Any current marine farming structure that does not meet the standards and terms of this Rule will be assessed as a prohibited activity under Rule 16.5.6.

The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules 44 – 47 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

#### **Advisory Notes:**

- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- The use of the word “*Current*” in this Rule refers only to those marine farm structures referenced in the Marine Farming Maps and Schedule of Current Marine Farms in Appendix III of the Plan.

#### **Footnotes**

1. The word “current” refers only to those marine farming structures that were lawfully established by lease or licence under the Marine Farming Act 1971 or by a coastal permit under the Resource Management Act 1991, prior to the date of the Marine Farming Chapter of the Regional Coastal Plan for Waikato being proposed under clause 5 of the First Schedule of the RMA 1991, or a current marine farming permit under the Fisheries Act 1983, and which are referenced in the Marine Farming Maps and Schedule of Current Marine Farms in Appendix III of this Plan, provided that where the location of a structure deviates from the position in which it was originally consented to, the position originally consented to shall be the only position relevant for the purpose of this rule.
2. For the purposes of clarification, this standard and term does not restrict landing, loading and unloading activities from occurring outside of the Waikato Region.
3. For the purposes of this Rule “authorised landing facilities or sites” relates to landing facilities or sites authorised under the Resource Management Act 1991.

4. It should be noted that this Rule may be superceded by future legislative provisions resulting from the aquaculture legislation review in progress as at November 2002.

#### 16.5.4 Conventional Longline Marine Farming and Associated Structures within the Marine Farming Zone (Controlled Activity)

The erection, placement, use of, or occupation of space by any conventional longline marine farming structure and associated discharges to water and air, and disturbance of and deposition on seabed within the marine farming zone as shown on Map 11 in Appendix III of the Plan, for the purpose of marine farming, is a controlled activity provided it complies with the standards and terms stated in this Rule.

##### Standards and Terms

- i. The Hydrographic Office of the Royal New Zealand Navy, and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii. The marine farming zone shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand, and all marine farm owners within the marine farming zone shall contribute to the erection and maintenance of approved lighting and navigational marking requirements.
- iii. Each marine farm shall be a maximum size of 12.5 hectares. There shall be an accessway of 75 metres between each adjacent marine farm.
- iv. Within each marine farm (of a maximum size of 12.5 hectares), each corner of the marine farm shall display an orange marker buoy, as shall the middle of each of the seaward-most and landward-most longlines.
- v. The owner of the marine farm shall be jointly responsible with other marine farm owners in the zone for maintaining all buoyage and beaconage requirements as required by standard and term ii) of this Rule.
- vi. Landing, loading and unloading activities within the Waikato Region<sup>1</sup> associated with the operation of the marine farm shall occur only at authorised landing facilities or sites<sup>2</sup>.
- vii. Each marine farm (of a maximum size of 12.5 hectares) shall be clearly marked with the owner's name and coastal permit number on at least one of the four orange corner marker buoys.
- viii. The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- ix. Any coastal permit issued for a marine farming structure shall contain conditions requiring development to be (a) commenced within 1 year of the approval of the coastal permit, and (b) completed within 5 years of the date of the approval of the coastal permit, failing either of which the coastal permit shall lapse.
- x. No artificial foods or antibiotics shall be added to the water.
- xi. The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.

- xii. The applicant shall undertake an ecological investigation of the proposed farm area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xiii. Any application shall include with it a copy of a management plan for the proposed marine farm. This shall include details of:
- the proposed marine farm site (including surveyed grid references)
  - farm layout (including number of longlines)
  - placement of longlines (i.e. whether surface or subsurface)
  - placement of navigational markings
  - species to be farmed
  - timing of development within the first 5 years of the coastal permit being granted
  - methods to be used for the collection and disposal of non-biodegradable material
  - methods to be used for the disposal for non-saleable crop
  - landing, loading and unloading locations
  - emergency contact details of the marine farm owner and the marine farm manager
- xiv. A copy of the management plan shall also be lodged with the appropriate district council by the applicant within 7 days of the filing of the coastal permit application.
- xv. The owner of the marine farm shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the marine farm on the environment, both in relation to each marine farm lot, and to the wider Firth of Thames area (if the marine farm is located in this area). In addition, the owner of the marine farm shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.
- xvi. The owner of the marine farm shall provide the map reference of the corner points (i.e. the corner anchor blocks) of the marine farm (to an accuracy of at least plus or minus 10 metres) to confirm the farm is located in its consented location, as directed from time to time by Environment Waikato.
- xvii. Within the Wilson Bay marine farming zone (as identified in Map 11 in Appendix III of the Plan), the cumulative number of farmed hectares in Area 'A' shall not exceed 470 hectares; and in Area 'B' the cumulative number of farmed hectares shall not exceed 520 hectares.
- xviii. No marine farm structure shall be located in the accessway between Areas 'A' and 'B' of the Wilson Bay marine farming zone (as identified in Map 11 in Appendix III of the Plan).

- xix. Any coastal permit issued for a marine farm structure under this Rule shall include a consent condition requiring development of the farm structures to be undertaken using a staged approach in accordance with Method 17.5.3.
- xx. Any coastal permit issued under this Rule for a marine farm structure shall include as part of the consent conditions a review clause in accordance with s128(1)(a)(i) or (iii) of the Resource Management Act for the purpose of addressing any adverse effects on the environment from the activity, particularly adverse effects on the ecosystem near the marine farm and effects on the wider Firth of Thames area.

### **Control Reserved Over**

The matters over which the Regional Council reserves control are:

- The monitoring and information requirements.
- Duration of the coastal permit.
- The buoyage and beaconage management of the marine farming zone.
- The staged development of the marine farming zone.
- The location of any required boat moorings.
- Landing, loading and unloading locations.
- The layout of farms relative to each other.

In the context of standard and term viii) of this Rule:

“Commenced” means: the establishment of a minimum of two conventional longlines per 10 hectares of space granted in the coastal permit for the area in question.

“Completed” means: the establishment of the maximum number of conventional longline structures as approved in the coastal permit granted for the area in question.

**Principal Reasons for Adopting:** The western coast of the Coromandel Peninsula is currently subject to a high demand for coastal space for marine farming. This Rule recognises the identification of a zone offshore from Wilson Bay within which marine farming is an accepted activity (refer to Map 11 in Appendix III of the Plan). The marine farming zone is located at least one kilometre offshore from MHWS, and is aligned to the current areas approved for marine farming in the Wilson Bay area. The location of the zone will avoid as far as possible any adverse effects (including cumulative effects) on natural character, landscape values, amenity values, ecological values, cultural and traditional values, recreational uses, and the navigation safety of small boats along the coast. By requiring longline marine farm development to be concentrated in defined areas, the Rule also seeks to preserve the natural character of the coastline by avoiding the cumulative effects of sprawling and sporadic development of farms along the entire coastline. Adverse effects on navigation safety and commercial fishing areas will also be minimised as new longline farms will be located in the same area.

The maximum area to be allocated for marine farming under this Rule is 1,120 farmed hectares, within a wider spatial zone. The farmed area will be allocated for development in stages to allow for any adverse effects to be determined (refer to Method [17.5.3](#)). If adverse effects are detected from the first stage of development, no further space will be approved for development, unless these effects can be adequately remedied or mitigated. This Rule therefore allows for further

marine farm development to occur in this area without requiring further substantial research to be undertaken, while recognising the need to adopt a precautionary approach where effects are uncertain and to ensure the sustainable management of the whole of the Firth of Thames.

This Rule seeks to ensure that the coastal space allocated for marine farming purposes is used efficiently (as per s7(b) RMA) by requiring development to occur within a specified time-frame. Coastal tendering will be used to allocate any space within the zone that is made available for re-allocation to competing applicants, e.g. if a marine farm is not developed within the required time-frame, then the coastal permit for that area will lapse and the area will be tendered (refer to Method [17.5.2](#)).

This Rule is consistent with the national priorities in Chapter 1 of the [NZCPS](#) relating to the preservation of natural character of the coastal environment, its protection from inappropriate use and development, and sprawling or sporadic development, and avoiding cumulative adverse effects of use and development. It is also consistent with [NZCPS](#) Policies 2.1.2 'Protection of characteristics of special value to tangata whenua', 3.1.3 'Protection of areas of open space', 3.2.1 'Provision for appropriate use and development', and 3.3.1 'Precautionary approach', and Part II of the RMA (in particular s7(b) – the efficient use and development of natural and physical resources). The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules [16.4.20](#) – [16.4.23](#) in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

**Advisory Notes:**

- For the purpose of clarification, the term “conventional longline structures” refers to the use of existing longline structure technology and layout, and includes any future technological changes that do not substantially alter the concept of a longline layout (e.g. the use of single backbone lines and circular floats).
- The term “farmed hectares” refers to the area of water space granted for marine farming purposes, but excludes the 75 metre accessway spaces provided between each individual marine farm.
- Applicants should contact the Public Health Unit of Health Waikato during the initial stages of applying for a coastal permit to obtain advice on the requirements for a sanitary survey for the proposed area. A sanitary survey must be completed by Health Waikato before shellfish can be harvested for human consumption.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Aquaculture can only occur within an Aquaculture Management Area described in the Regional Coastal Plan. Any person carrying out aquaculture must register with the Ministry of Fisheries.

**16.5.5 Conventional Inter-tidal Oyster Farm Structures (Discretionary Activity)**

The erection, placement, use of, or occupation of space by any conventional inter-tidal oyster farming rack structure in the CMA, excluding the area restricted in Rule [16.5.7](#) and excluding current inter-tidal oyster farm structures provided for by Rule [16.5.3](#), for the purpose of oyster

farming is a discretionary activity, provided it complies with the standards and terms stated in this Rule.

### **Standards and Terms**

- i. The Hydrographic Office of the Royal New Zealand Navy, and Maritime New Zealand shall be given written notice of the details of the structure by the applicant before it is erected.
- ii. An access way of at least 200 metres shall be required between a farm and any jetties, boat ramps and other points of regular public use, including ski-lanes.
- iii. The structure shall be marked in accordance with the buoyage and beaconage requirements of Maritime New Zealand.
- iv. The structure shall be clearly marked with the owner's name and coastal permit number.
- v. The owner of the marine farm shall maintain all buoyage and beaconage requirements.
- vi. An access way of at least 10 metres shall be maintained between each 2 hectare block of an oyster farm, if the farmed area exceeds this size.
- vii. Any coastal permit issued for a marine farming structure shall contain conditions requiring development to be (a) commenced within 1 year of the approval of the coastal permit, and (b) completed within 5 years of the date of the approval of the coastal permit, failing either of which the coastal permit shall lapse.
- viii. The structure shall be maintained to ensure that it is restrained and secure at all times to avoid loss of non-biodegradable material.
- ix. The structure shall not cause a navigation hazard.
- x. No artificial foods or antibiotics shall be added to the water.
- xi. The owner of the structure shall provide a legally enforceable bond in favour of and to the satisfaction of Environment Waikato in respect of the likely costs of the removal of the structure in the event of default by the owner.
- xii. The applicant shall undertake an ecological investigation of the proposed farm area in accordance with the Information Requirements set out in Appendix I of the Plan, and shall lodge the information gathered with Environment Waikato.
- xiii. Any application shall include with it a copy of a management plan for the proposed marine farm. This shall include details of:
  - the proposed marine farm site (including surveyed grid references)
  - farm layout (including number of racks and their placement)
  - placement of navigational markings
  - species to be farmed
  - timing of development within the first 5 years of the coastal permit being granted

- methods to be used for the collection and disposal of non-biodegradable material, and methods for cleaning up under the farm
  - methods to be used for harvesting the crop and accessing the farm
  - methods to be used for the disposal for non-saleable crop
  - on-shore loading facility requirements
  - emergency contact details of the marine farm owner and the marine farm manager
- xiv. A copy of the management plan shall also be lodged with the appropriate district council by the applicant within 7 days of the filing of the coastal permit application.
- xv. The owner of the marine farm shall provide the map reference of the corner points of the marine farm (to an accuracy of at least plus or minus 10 metres) to confirm the farm is located in its consented location, as directed from time to time by Environment Waikato.
- xvi. The owner of the marine farm shall be required to undertake environmental monitoring, as directed from time to time by Environment Waikato, of the adverse effects of the marine farm on the environment. In addition, the owner of the marine farm shall be required to bear a proportion of the costs fixed by Environment Waikato that are associated with any environmental monitoring undertaken by Environment Waikato.

#### **Assessment Criteria**

In assessing any application for conventional inter-tidal oyster farm rack structures, regard shall be had to the following:

- i. The structure shall not be located in any area identified by the tangata whenua as waahi tapu.
- ii. The extent to which the development would occupy any bay or shoreline area.
- iii. The extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on the Maps in Appendix III and described in Appendix IV of this plan.
- iv. The Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity.

In the context of standard and term vii) of this Rule, the terms “commenced” and “completed” will be specified by Environment Waikato on a case-by-case basis.

**Principal Reasons for Adopting:** Conventional inter-tidal oyster farm structures usually consist of wooden racks with posts and rails, and are located on the inter-tidal foreshore or seabed. Treating applications for the establishment of new inter-tidal oyster farm rack structures as discretionary activities will allow flexibility in assessing the effects of the activity on a case-by-case basis. This Rule seeks to ensure that the coastal space allocated for marine farming purposes is used efficiently (as per s7(b) RMA) by requiring development to occur within a specified time-frame. The maintenance, repair, replacement and removal of marine farming structures are controlled under Rules 16.4.20 –16.4.23 in the Structures chapter of the Plan. A bond will be required to cover the costs of removing any abandoned marine farm structures.

#### Advisory Notes:

- Where an oyster farm requires exclusive occupation of areas of the CMA greater than 10 hectares, or requires the use and occupation of areas of the CMA over 50 hectares, Rule [16.8.1](#) (Exclusive Occupation – Restricted Coastal Activity and Discretionary Activity) in this Plan may apply.
- Applicants should contact the Public Health Unit of Health Waikato during the initial stages of applying for a coastal permit to obtain advice on the requirements for a sanitary survey for the proposed area. A sanitary survey must be completed by Health Waikato before shellfish can be harvested for human consumption.
- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.
- Aquaculture can only occur within an Aquaculture Management Area described in the Regional Coastal Plan. Any person carrying out aquaculture must register with the Ministry of Fisheries.

#### 16.5.6 All Other Marine Farm Structures (Prohibited Activity)

The erection, placement, use of, or occupation of space by any marine farming structure that is not otherwise provided for by Rules [16.5.1](#), [16.5.2](#), [16.5.3](#), [16.5.4](#) and [16.5.5](#), or does not comply with the standards and terms for an activity in Rules [16.5.3](#) or [16.5.4](#) is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** This Rule prohibits the location of any other marine farm structures in the coastal marine area of the Waikato Region that are not specifically provided for, and which do not meet the standards and terms for Rules [16.5.3](#) (Current Farms) or [16.5.4](#) (Wilson Bay Zone). It does not apply to those structures which meet the standards and terms for a discretionary activity in Rules [16.5.1](#) (FADs and Spat Catching), [16.5.2](#) (Structures for Research Purposes), or [16.5.5](#) (Oyster Farms). (NB: Structures which do not meet the standards and terms for a discretionary activity under Rules [16.5.1](#), [16.5.2](#) and [16.5.5](#) are non-complying activities under rule 16.1.2 and, except for fish aggregation devices, will require the presence of an AMA). Uncontrolled development of new marine farm structures would have significant adverse effects (including cumulative effects) on the coastal marine area. In particular natural character, landscape, amenity, cultural, ecological, habitat and recreational values would be adversely affected by the sporadic and sprawling development of marine farms along the coastline. Safe navigation, the functioning of natural coastal processes and commercial fishing areas would also be compromised. A high level of protection is appropriate to protect the range of values identified. This Rule provides for a precautionary approach to be adopted towards further marine farm development. This is necessary as the nature and extent of environmental effects from large scale marine farm development are uncertain. This Rule allows detailed monitoring of the effects of the zone development in Wilson Bay to be undertaken (e.g. in relation to sustainability and the carrying capacity of the Firth), before decisions are made about future marine farm development in the Region. If, in the future, further development is required, a plan change (as per the First Schedule of the RMA) will need to be made. This will mean that future marine farm development, such as the development of any additional aquaculture management areas, would be the subject of wide public consultation.

#### **Advisory Note:**

- Tangata whenua have made a claim in the Courts that they own the foreshore and/or seabed. In the event that the claim is upheld by the Courts, it is possible that any consent holder may need to reach agreement with the appropriate tangata whenua representatives in relation to the exercise of any subsequent consent issued.

#### **17.2.19 Information on Exotic Species in the Coastal Environment**

In co-ordination with other authorities, Environment Waikato will raise public awareness about the possible threats exotic species pose to the coastal environment, methods by which they might inadvertently be introduced, and possible prevention and eradication methods.

**Principal Reasons for Adopting:** Environment Waikato, territorial authorities, Department of Conservation and other agencies all have responsibility for ensuring exotic species are managed in a way that does not adversely affect the coastal environment. Public awareness of the threats and methods of control are critical for assisting in the management of this threat.

### **17.5 Marine Farming**

#### **17.5.1 Support for Good Management Practices**

Environment Waikato will consult with the marine farming industry on environmental issues relating to marine farming and will advocate industry initiatives that avoid, remedy or mitigate adverse environmental effects, including the development and implementation of industry codes of practice and the promotion of other good management practices. Environment Waikato will also promote a consistent and co-operative approach amongst marine farm operators to the management of lighting, other navigational marking and environmental monitoring where multiple marine farms are located in one particular area.

**Principal Reasons for Adopting:** Industry initiatives, such as the preparation of codes of practice, encourage the adoption of good management practices by industry members. These codes are voluntary and are designed to make farmers and operators more aware of the environmental effects of their activities, and to encourage farmers to take more responsibility for addressing adverse effects. This method supports the rules in the Plan controlling the adverse environmental effects of marine farming. In addition, supporting such initiatives is consistent with the provisions of the RMA.

#### **17.5.2 Coastal Tendering Regime**

Environment Waikato will use tendering, as provided for by section 165E of the RMA, to allocate any undeveloped space in the marine farming zone identified in Map 11 in Appendix III of the Plan. This will apply when a coastal permit has lapsed, or when a coastal permit has expired and no application has been lodged to replace it, and environmental monitoring has shown that there will be no adverse effects from the development of the space.

**Principal Reasons for Adopting:** The RMA provides for coastal tendering (section 165E) to be adopted as the default allocation method for marine farming space. At present there is a high demand for coastal space on the western coast of the Coromandel Peninsula for the establishment of new longline marine farms. A zone has been identified for further marine farm development (Map 11 in Appendix III of the Plan) on the west coast of the Coromandel Peninsula. Because there is only a limited amount of space available within these areas and there is

potential for competing applications to be received for this space if an area becomes eligible for re-allocation (i.e. if the conditions on the coastal permit cannot be met, or if the coastal permit has expired and no application has been lodged to replace it), a coastal tendering regime would provide for the efficient allocation of this space among competing applicants. The efficient use and development of resources is consistent with s7(b) of the RMA.

### 17.5.3 Staged Development of Marine Farms

The allocation of space for marine farm lots within the Wilson Bay marine farming zone identified in Map 11 (Appendix III of the Plan) will take place in two stages as follows:

- i. Firstly, 200 farmed hectares in Area 'A' and 260 farmed hectares in Area 'B', shall be allocated.
- ii. Secondly, once Area 'A' has been significantly developed<sup>1</sup> and it has been demonstrated that there are no significant adverse environmental effects from the development, then a further 200 farmed hectares in Area 'A' shall be allocated; and once Area 'B' has been significantly developed<sup>2</sup> and it has been demonstrated that there are no significant adverse environmental effects from the development, then a further 260 farmed hectares in Area 'B' shall be allocated.

As part of the staged development approach, Environment Waikato will require marine farmers to undertake an environmental monitoring programme to identify the trigger points which could result in the restriction of further development. This monitoring programme shall be developed in conjunction with Environment Waikato and marine farmers, and shall be reviewed at regular intervals and/or when adverse environmental effects need to be addressed. Consent holders will be expected to contribute significantly towards the costs associated with any monitoring required under this programme.

**Principal Reasons for Adopting:** This method provides for the staged development of marine farms on the western coast of the Coromandel Peninsula. By opening up the space available for marine farming on this coast in different stages, Environment Waikato is adopting a precautionary approach to marine farm development, i.e. some development can take place, while recognising the need to take account of the cumulative effects and any other environmental issues associated with the large scale block development of marine farms. Therefore, a staged approach to marine farm development is closely linked to the need for detailed environmental monitoring to be undertaken. Further marine farm development will be dependent on whether or not there are adverse environmental effects from the first stage of development.

#### **Advisory Note:**

- The term "farmed hectares" refers to the area of water space granted for marine farming purposes, but excludes the 75 metre accessway spaces provided between each individual marine farm.

#### **Footnotes**

1. For the purpose of this method, "significantly developed" means 75% of the total area of Area 'A' developed with marine farm structures; or if this is not achievable, a hectareage of Area 'A' as agreed by Council which appropriately reflects any environmental, economic or technological constraints in the overall development of the area.

2. For the purpose of this method, “significantly developed” means 75% of the total area of Area ‘B’ developed with marine farm structures; or if this is not achievable, a hectareage of Area ‘B’ as agreed by Council which appropriately reflects any environmental, economic or technological constraints in the overall development of the area.

#### 17.5.4 Information Gathering - Marine Farming

Environment Waikato, in conjunction with marine farm applicants and farmers, will gather further information, including base-line data, on marine farming in the Region and its environmental effects (including cumulative effects), to support further policy development and resource consent decision making in relation to marine farm development. This information will also be used to monitor the sustainability of the marine farms within the Firth of Thames. This information will include, but will not be limited to, the effects on natural coastal processes (e.g. currents, hydrodynamic regimes, sediment transport processes and nutrient cycling processes), natural character, benthic communities, marine ecology, habitats of native flora and fauna and coastal water quality, and will be relevant not only to the marine farm site, but also to the potential impacts on the wider geographical area.

Environment Waikato will also encourage the dissemination of results from relevant research projects undertaken by various agencies/groups to all parties who have responsibilities for managing marine farming.

**Principal Reasons for Adopting:** There is currently limited information on marine farming and its effects on the Region’s coastal marine area. In particular, very little is known about the cumulative adverse effects of marine farms on the functioning of natural coastal processes and marine ecosystems over wider geographical areas, e.g. the Firth of Thames. The sustainability of the Firth of Thames ecosystems is also critical. This Method is linked to [Method 17.5.3](#), requiring sufficient monitoring to be undertaken to ensure any adverse environmental effects are identified and appropriately analysed. Research projects undertaken by other agencies and organisations, coastal permit applications, and monitoring programmes can be a valuable source of information. A collaboration of efforts from different agencies/groups will help co-ordinate and focus the projects undertaken and the resources required. This is consistent with [NZCPS Policy 3.3.2](#). Information gathering is important for future policy development and decision making, determining the cumulative effects of marine farms on the environment, and encouraging the further development of good management practices and methods for achieving the long-term sustainability of the industry.

#### 17.5.5 Integrated Management Between Agencies

Environment Waikato will consult with:

- i. Territorial authorities concerning adequate land based servicing facilities for marine farms, including unloading requirements and vehicle access. The use of joint hearings will be promoted when marine farm applications require resource consents for associated activities on land.
- ii. Adjoining regional councils concerning cross-boundary issues and the sharing of information to achieve integrated management
- iii. Maritime New Zealand to ensure that all navigation safety requirements are met.

- iv. Ministry of Fisheries and marine farming industry representatives regarding:
  - a. the potential adverse effects on feral shellfish stocks from marine farm development
  - b. the links between resource management and fisheries management issues
  - c. the development and likely environmental effects of new forms of marine farming
  - d. the sharing of monitoring information
- v. Health Waikato to ensure the Public Health Unit are informed of all new marine farm applications in the Region, and to encourage the sharing of monitoring information.
- vi. Department of Conservation to ensure the Department is informed of all new marine farm applications received.
- vii. Transit New Zealand to ensure consultation is undertaken where marine farm applications have roading, access and transportation issues associated with them.

**Principal Reasons for Adopting:** These agencies all have different responsibilities relating to marine farming. To ensure an integrated and consistent approach to marine farm development and management, it is essential that consultation and liaison with these agencies takes place. The use of joint hearings allows for marine farming activities and associated adverse effects above and below the line of MHWS to be dealt with consistently.

Health Waikato is responsible for assessing the suitability of areas for the cultivation of shellfish from a public health viewpoint, and undertakes regular water quality monitoring in marine farming areas. Sharing of information between the various agencies that have responsibilities linked to marine farming should reduce unnecessary monitoring overlaps.

#### 17.5.6 Marine Farming Forum

Environment Waikato will facilitate and promote the development of a marine farming forum between key parties involved in marine farming development and management to ensure a strategic approach is taken to address issues of concern.

**Principal Reasons for Adopting:** There are a number of different parties with responsibilities linked to marine farming or with interests in marine farming (e.g. territorial authorities, Regional Council, Maritime New Zealand, Ministry of Fisheries, Department of Conservation, Health Waikato, Transit NZ, industry representatives, tangata whenua, marine farm operators and other relevant parties, e.g. adjacent coastal landowners). This method acknowledges the benefits of involving these parties in the management of marine farming and in addressing strategic issues related to marine farming, and provides the opportunity to establish a forum to discuss these matters and help decide on directions to be taken. This method will assist in allowing for marine farming activities and any associated effects above and below the line of MHWS to be dealt with consistently.

#### 17.5.7 Hearing Commissioners

Environment Waikato will seek appointment of an appropriate representative(s) of local tangata whenua to assist as a commissioner(s) in the decision making process on any coastal permit consent hearings.

**Principal Reasons for Adopting:** Consistent with sections 6(e), 7(a), 8, and 34(3) (delegation of functions to hearings commissioners) of the Resource Management Act 1991, this method provides an opportunity for tangata whenua to be a part of the decision making process in respect of coastal permit applications.

#### 17.5.8 Lighting Management

Environment Waikato expects marine farms to be lit appropriately at all times. Appropriate lighting will be defined in conjunction with Maritime New Zealand. Environment Waikato shall manage lighting requirements as follows:

- i. New farms located in the marine farming zone shown in Map 11 shall be required to have a comprehensive lighting plan, which will light each area ('A' and 'B') within the zone as a whole, not individual lots within the zone. This plan will be required to be approved by Maritime New Zealand. Consent holders shall have a joint responsibility for managing the lighting (including funding and maintenance). In this respect the joint group of consent holders shall advise Environment Waikato of the contact person who shall respond immediately to any lighting complaints.
- ii. Current farms located in the marine farming zone shown in Map 11 which have coastal permits under the Resource Management Act 1991, shall be required to reconsider their lighting plan and ensure that it is appropriate to the zone location. A review of the consent conditions may be required to ensure this occurs. Any change to the lighting shall be required to be approved by Maritime New Zealand. Current consent holders shall have a joint responsibility for managing the lighting (including funding and maintenance). In this respect the joint group of consent holders shall advise Environment Waikato of the contact person who shall respond immediately to any lighting complaints.
- iii. With respect to current farms (as defined under Rule 16.5.3) which are deemed to have resource consents by the Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, Environment Waikato will review the conditions of these deemed consents to ensure that appropriate lighting is provided.
- iv. The organisers of any night boating event in the vicinity of any marine farm shall provide the location (in latitude and longitude) of all marine farms in the vicinity to all of the participants in the event. Consent holders or their lighting contractors given adequate prior notice of any night boating event by the organisers, shall ensure that a check is undertaken on the lighting on any marine farm, spat catching buoys, fish aggregation devices, or shellfish research purpose structures in the vicinity of the proposed event and will provide an oral or written assurance to the organiser of that event that all such lighting is working.
- v. Where non-compliance with any lighting consent conditions occurs, Environment Waikato reserves the right to arrange to repair the lights and duly charge the consent holders for this service, or take other enforcement actions as provided under the Resource Management Act 1991.
- vi. Environment Waikato will forward a copy of any resource consent application for any marine farm structure to the Minister of Transport<sup>1</sup> and take into account any report submitted by the Minister on any navigation related matters, including any conditions which the Minister considers should be included in the consent. Should the Minister of Transport not submit a report, Environment Waikato shall ensure that the marine farm structure is marked in accordance with the most current and/or relevant buoyage and beaconage requirements of Maritime New Zealand.

**Principal Reasons for Adopting:** It is recognised that the current management regime for lighting of marine farms is inappropriate for the proposed Wilson Bay marine farming zone. The zone will require a joint approach to the layout and management of the lighting to ensure that a clear navigation signal is given, and a confusion of lights avoided. Lack of lighting is a significant hazard for boats navigating at night. It is therefore desirable for all marine farms to be required to meet consistent lighting requirements. The need for integrated management between the different agencies involved is also recognised.

#### Footnotes

1. In accordance with section 395 of the Resource Management Act 1991

#### 17.5.9 Inshore Passage at Wilson Bay

Environment Waikato will seek the removal of all farms between Area 'A' of the marine farming zone (as identified in Map 11 in Appendix III of the Plan) and the line of Mean High Water Springs. In the first instance, Environment Waikato will pursue the revocation of the MAF licence and coastal permit for these farms. In the event that this is not legally possible, the resource consent and licence holders in the area shall be offered the option of applying for a coastal permit (at a lesser number of farmed hectares) in accordance with Rule 16.5.4 to re-locate into Area 'A'. If a coastal permit is not issued to the incumbent consent/licence holders within 2 years from the date on which Council releases its decisions on the proposed Marine Farming Variation to the Regional Coastal Plan for Waikato, then the area shall be made available for application to other interested parties by using coastal tendering.

**Principal Reasons for Adopting:** There are currently two marine farms in the area between Area 'A' of the Wilson Bay marine farming zone and Mean High Water Springs. The preference is to protect this area from marine farm development to provide for natural character, amenity values and navigation safety purposes. Rule 16.5.6 prohibits any new marine farms from being located in this area, thus the two existing farms in this area would not be able to renew their existing resource consent/licence. Therefore, Council wishes to proactively promote an alternative solution for these marine farms. By requiring the existing resource consent/licence holders to apply for a coastal permit under Rule 16.5.4, these farms will be subject to the same requirements as the other new farms established in the marine farming zone.

### 16 Implementation Methods

#### 16.2 Habitat and Coastal Processes

##### 16.2.4 Introduction of Indigenous Plant Species (Permitted Activity)

The introduction of any indigenous plant species in the CMA in areas where these species already exist, is a permitted activity.

**Principal Reasons for Adopting:** This Rule recognises that restorative plantings of indigenous species should be encouraged. Refer also Policy 1.1.5 of the NZCPS.

##### 16.2.5 Introduction of Exotic Plant Species Where Already Present (Discretionary Activity)

The introduction of exotic plant species to the CMA where that plant is already present in an area is a discretionary activity.

## Assessment Criteria

In assessing any application for the introduction of exotic plant species, regard shall be had to:

- i. the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii. the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii. the extent to which the activity will result in, or has the potential to result in the eradication or colonisation of indigenous flora and fauna, or their habitat, already present in the area; and
- iv. the extent to which the proposed plant species has the potential to impede the existing flow patterns of water or sediment.

**Principal Reasons for Adopting:** The introduction of exotic plant species into the CMA can have significant adverse effects. Exotic plant species may contribute to the decline of indigenous plant populations and impact on natural biodiversity, habitat and indigenous flora and fauna. If an exotic species is already present in an area, then the suitability of further introducing that exotic species must be assessed against the actual effects of the initial introduction.

### 16.2.6 Introduction of Exotic Plant Species (Restricted Coastal Activity and Discretionary Activity)

Unless otherwise prohibited by Rule 16.2.7, the introduction of any exotic plant species to the CMA, except where that plant is already present in that area, is a restricted coastal activity and a discretionary activity.

## Assessment Criteria

In assessing any application for the introduction of exotic plant species, regard shall be had to:

- i. the extent to which the activity will adversely affect any conservation value within the ASCV areas as marked on maps in Appendix III and described in Appendix IV of this Plan; and
- ii. the Decision-Making Criteria and Considerations which are set out in Appendix II of this Plan, and which are relevant to this activity; and
- iii. the extent to which the exotic plant species will result in, or have the potential to result in the eradication or colonisation of flora and fauna already present in the area; and
- iv. the extent to which the plant species is likely to or has the potential to impede the existing flow patterns of water or sediment; and

- v. the extent to which the introduction of exotic plant species will have the potential for dispersal to other areas.

**Principal Reasons for Adopting:** Exotic plant species have the potential to severely degrade natural ecosystems by competing with and taking over existing habitats. It is difficult to predict the effects exotic species could have on locally occurring flora and fauna and habitats and, unlike plant pests on land, once a marine plant species is introduced to an area, eradication is unlikely, due to the effective dispersal by ocean currents. Therefore, a precautionary approach to the introduction of new species should be taken.

#### 16.2.7 Introduction of Exotic Plant Species (Prohibited Activity)

The introduction of any exotic plant species into the Firth of Thames area of significant conservation value (ASCV 9) as marked on maps in Appendix III of this Plan (and described in Appendix IV), except where that plant species is already present in that area, is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The Firth of Thames is a RAMSAR site, i.e. acknowledged as a wetland site of international importance. A high level of protection is appropriate to protect the values in this area. Therefore activities which would have a significant and irreversible effect on these areas are unacceptable.

#### 16.2.8 Introduction of Plant Pests (Prohibited Activity)

The introduction of Alternanthera philoxeroides (Alligator Weed), or Spartina Alterniflora, or S. Anglica into the CMA is a prohibited activity for which no resource consent shall be granted.

**Principal Reasons for Adopting:** The plant pests identified in this Rule pose a threat to the Region because of their ability to invade or take over areas. The introduction of such pests would result in significant adverse effects in the CMA.

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**Aquaculture:** Is the complete or partial use of land based or nearshore facilities for:

- 1: The production of commercially harvestable quantities of a species or
- 2: The intentional enhancement of natural stocks. This excludes the direct harvesting of natural stocks.

## 12.2.1 Key Issue

Exclusive occupation of the coastal marine area can have adverse effects on public use of the coastal marine area and cultural values associated with particular areas.

## 12.2.2 Objective

Provision for the exclusive occupation of land and any related part of the coastal marine area while avoiding, remedying or mitigating any associated adverse environmental effects.

## 12.2.3 Policies

**12.2.3(a)** To recognise and provide for the benefits to the wellbeing of present and future generations of maintaining public access to the coastal marine area. Public access should only be restricted where the criteria in policy 7.2.3(a) apply, or specific areas have been identified in accordance with method 7.2.4(a).

**12.2.3(b)** Environment Bay of Plenty will take into account the environmental advantages of land-based aquaculture operations which avoid occupation of the coastal marine area.

## 12.2.4 Rules

Note: The rules are set out in this chapter to assist readers who wish to view the rules in the context of relevant objectives and policies. These are the rules that are to be applied for regulatory purposes. A summary table of all the rules is provided in Part VI for convenience, but that summary table is not intended to be used for regulatory purposes.

**The rules are to be read subject to the following definitions:**

The rules apply to activities in the coastal marine area only. They do not apply to activities on land outside the coastal marine area. The coastal marine area is described in chapter 2 – Plan Coverage. Where an activity is classified as a discretionary restricted coastal activity, the Minister of Conservation is the consent authority.

### Coastal Marine Area (All Zones)

12.2.4(a) The occupation of land and any related part of the coastal marine area, which is land of the Crown, or is vested in Environment Bay of Plenty, is a discretionary activity. 12.2.4(b) Notwithstanding rule 12.2.4(a), the occupation of land and any related part of the coastal marine area, which is land of the Crown, or is vested in Environment Bay of Plenty, for recreational events is a permitted activity provided that these conditions are met: • the event does not involve occupation for more than seven days in any 12 month period;

- • there is no occupation of the Port Zone, or the Coastal Habitat Preservation Zone;
- • there must be consultation with the territorial authority which administers the adjacent land area;
- • provisions are made to protect public safety;

- • toilet facilities which do not dispose human waste into the coastal marine area are provided;
- • any rubbish or other waste material resulting from the activity must be removed from the coastal marine area;
- • the public must be notified about the proposed activity and any associated restrictions on the use of the area, at least seven days prior to the activity commencing;
- • the activity must not obstruct other persons operating in accordance with an occupation permit.

If any of the standards listed above are not complied with, the recreational event is a discretionary activity.

12.2.4(c) Notwithstanding rule 12.2.4(a), occupation by mooring within the mooring areas shown in the maps to this plan, is a permitted activity.

### **Restricted Coastal Activities**

12.2.4(d) Notwithstanding any other provisions within this chapter, if an application for the occupation of space exceeds the thresholds and/or does not otherwise comply with the criteria as specified in clause 1.9 of the First Schedule to this plan then that activity is a discretionary restricted coastal activity.

#### **20.2.1 Key Issue**

Noise within the coastal marine area can cause adverse environmental effects.

#### **20.2.2 Objective**

Adverse effects of noise generated in the coastal marine area are avoided, remedied or mitigated.

#### **20.2.3 Policies**

20.2.3(a) Recreational vessels such as personal watercraft, water ski boats, and hovercraft, which exceed the noise standards, should only operate within the indicative water ski or personal watercraft areas shown in the maps, or beyond 200 metres off the coast. The defined areas are identified in the maps to this plan.

20.2.3(b) The natural character and amenity values of the Tauranga Harbour and Ohiwa Harbour coastal environment should be protected from the adverse effects of noise. The Port Zone noise control boundary is to be used to manage noise from the Port of Tauranga. In other parts of the coastal environment section 16 of the Act is to be applied where necessary.

#### **20.2.4 Rules**

Note: The rules are set out in this chapter to assist readers who wish to view the rules in the context of relevant objectives and policies. These are the rules that are to be applied for regulatory purposes. A summary table of all the rules is provided in Part VI for convenience, but that summary table is not intended to be used for regulatory purposes.

#### **The rules are to be read subject to the following definitions:**

The rules apply to activities in the coastal marine area only. They do not apply to activities on land outside the coastal marine area. The coastal marine area is described in chapter 2 – Plan Coverage.

## Coastal Marine Area (All Zones)

20.2.4(a) The emission of noise within the coastal marine area of the Tauranga and Ohiwa harbours is a permitted activity, provided that the noise does not exceed the following conditions: Night Time – 45 dBA L10; and an LMAX of the lower of 75dBA or the background sound level plus 30. Day Time – 55 dBA L10. The day time period is between 7.00 a.m. – 10.00 p.m. The following noise emissions are exempt from these conditions (note: section 16 of the Act still applies):

- • noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
- • noise generated by emergency work undertaken to protect life or limb, or to prevent loss or serious damage to property, or minimise or prevent environmental damage;
- • noise generated by the discharge of firearms by licensed hunters;
- • noise generated by the use of weapons and the subsequent detonation of munitions by the New Zealand Defence Forces;
- • noise generated by the use of vessels within the indicative ski areas identified in the maps to this plan (Note: the actual boundaries of ski lanes may vary depending on the weather and tidal conditions);
- • noise generated by any activity within the Port Zone identified in the maps to this plan.

The emission of noise within the coastal marine area of the Ohiwa Harbour and Tauranga Harbour which does not comply with the conditions and is not exempted, is a discretionary activity. For the purpose of this rule, the entrances of the Tauranga Harbour are defined by lines drawn across the Katikati and Tauranga entrances at U13 744104, U13 744100, U14 892914, U14 897914, respectively. For the purpose of this rule, the entrance of the Ohiwa Harbour is defined by a line drawn across the Ohiwa Entrance at W15 744485, W15 748485.

The noise levels will be measured and assessed in accordance with the requirements of NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound. Noise will be measured at:

- (i) Whichever is the lesser of, a residential property boundary or 20 metres from a residential building.
- (ii) The boundaries of the Coastal Habitat Preservation Zone and the sites of significance identified in the maps, the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas.

20.2.4(b) (i) Emission of noise from within the Port Zone is a permitted activity provided that:

- The long-term average sound level (Ldn) shall not exceed 55 dBA at any point outside the 55 dBA noise control boundary (Sheet 11a of the maps to this plan), nor 65 dBA at any point outside the 65 dBA noise control boundary;
- The short-term average sound level (L10) shall not exceed 60 dBA between 0700 and 2200, nor 50 dBA between 2200 and 0700 at any point outside the 55 dBA noise control boundary;
- The night time maximum sound level (Lmax) shall not exceed 75 dBA between the hours of 2200 and 0700 at any point outside the 55 dBA noise control boundary; and • The short term average sound level (L10) shall not exceed 65 dBA between 0700 and 2200, nor 60 dBA between 2200 and 0700, at any point on land zoned for residential purposes outside the 65 dBA noise control boundary, but within the 55 dBA boundary. The following noise emissions are exempt from these conditions (Note: section 16 of the Act still applies):
- noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
- noise generated by emergency work undertaken to protect life or limb, or to prevent loss or serious damage to property, or minimise or prevent environmental damage. Emission of noise in excess of these conditions and

which is not exempted is a discretionary activity. The 55 dBA and 65 dBA noise control boundaries and Port Zone are shown on the maps to this plan.

Note: For rules relating to land use restrictions between the 55 dBA and 65 dBA noise control boundaries refer to the Tauranga District Plan. (ii) Sound levels shall be measured in accordance with NZS6801:1991 Measurement of Sound. Terms used shall be defined as in NZS6801:1991 Measurement of Sound. The following definitions shall apply for terms not covered in NZS6801:1991. LONG-TERM AVERAGE SOUND LEVEL – shall be the Ldn measured over a consecutive five-day period. SHORT-TERM AVERAGE SOUND LEVEL – shall be the inverse logarithmic average of any four L10 (15 minutes) values obtained within a 2 hour period during a single day (0700 to 2200) or night (2200 to 0700).

### **Aquaculture**

Aquaculture is an all-encompassing term which describes the cultivation of a wide range of species using a variety of techniques. Oyster farming on intertidal flats is practised at Ohiwa Harbour. However, the coastal environment can be used for variety of other types of aquaculture. For example, there is increased interest in mullet, paua and crayfish farming (these latter two are currently being trialled in the Bay of Plenty). Some of these activities may be proposed to take place on land adjacent to the sea,

The types of aquaculture which could be proposed for sheltered intertidal areas (such as oyster farms, mullet ponds, gracilaria harvesting) are likely to have greater impact on ecological processes and natural values than would the types which could be proposed for deep water areas (such as mussel rafts and scallop cages)). Conversely, these latter types of aquaculture are likely to have far greater social impacts. This is due in particular to their need for permanent structures which could present significant obstacles to both navigation within, and recreational usage of, the coastal marine area, especially if located in tidal channels within harbours and estuaries.

Environment Bay of Plenty believes there is sufficient existing recreational usage of all estuaries and harbours within the Bay of Plenty to warrant a prohibition of any structures (whether associated with aquaculture or not) which would have an adverse impact on navigation and recreational activities within tidal channels. Provision for this is included in the policies and methods contained within chapter 13 – Structures.

On the other hand, the coastal marine area is very extensive. The recreational, natural and cultural values are not so uniformly high that no aquaculture venture of any kind or scale would be acceptable. If this were the case, then many other structures with similar effects may also warrant a prohibited status including wharfs, jetties, boat ramps and boat sheds.

Environment Bay of Plenty must act in accordance with the Act, which is focussed upon controlling the adverse effects of activities on the environment while at the same time enabling communities to provide for their social, economic and cultural well-being. Environment Bay of Plenty must be reasonably confident about the actual or potential adverse effects of an activity in all circumstances and situations before making a rule to prohibit rather than to regulate an activity. Environment Bay of Plenty is not convinced that all types of aquaculture at all scales at all locations would have such unavoidable adverse effects as to require a “blanket” prohibition.

For these reasons Environment Bay of Plenty favours a policy which would allow aquaculture ventures to be assessed on the basis of their particular effects on the environment. All applications for aquaculture will be processed with regard to all policies and methods contained within this plan which governs the constituent associated activities in particular those relating to structures and occupation of space.

The approach to aquaculture in this plan is in accordance with the dynamic nature of the industry itself. There is currently much research and some trialling of new species and new techniques. Treating aquaculture structures as discretionary activity will ensure the flexibility required to accommodate such innovations (where appropriate).

However, Environment Bay of Plenty is aware that some aquaculture cultivation trials such as oyster farming have been undertaken within the Bay of Plenty in the past involving certain types of inter-tidal aquaculture. These trials have met with mixed success. In light of this, Environment Bay of Plenty will require all applications for aquaculture to be accompanied by a rigorous independent assessment of the physical viability of the operation at the intended location.

Land-based facilities associated with marine farms are the responsibility of the district councils. In order to promote an integrated assessment of any marine farm application, Environment Bay of Plenty will promote joint hearings.

Finally, there is the need to ensure that if a marine farm operation fails the associated structures will be removed. This should not be at a cost to the regional ratepayer, but rather to the farm operator. Bonds appear to be the most appropriate means of ensuring this.

### **13.2.1 Key Issue**

The maintenance of existing structures and the provision of future structures within the coastal marine area can adversely affect the environment.

### **13.2.2 Objective**

Any structures in the coastal marine area are to be appropriate.

### **13.2.3 Policies**

13.2.3(a) To avoid all adverse effects of structures on the values of the Coastal Habitat Preservation Zone.

13.2.3(b) To recognise that those structures listed in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, are appropriate within the Port Zone provided that adverse effects are avoided, remedied or mitigated.

13.2.3(c) To take into account the purpose of the Port Zone set out in chapter 3 – Plan Structure, and activities that would significantly conflict with the achievement of that purpose should be avoided.

13.2.3(d) To recognise that those structures consistent with the purposes of the Harbour Development Zone, as expressed in section 3.3.2(c), are appropriate in the zone, provided that any adverse effects are avoided, remedied or mitigated.

13.2.3(e) To allow an activity in the Coastal Management Zone where it is appropriate having considered the actual or potential effects on the environment, including the values of the site.

13.2.3(f) Consideration will be given to the effects of any activity having regard to adjoining activities or activities located in an adjoining Harbour Development Zone.

13.2.3(g) To discourage the proliferation of structures in the coastal marine area and promote the efficient use of existing structures, facilities and network utility corridors. Where practicable, new services and structures are to be located in or adjacent to existing infrastructure, provided that:

- they are not incompatible with the existing services or utilities; and
- the environmental effects of locating at an existing facility will be less than the effects of alternatives.

13.2.3(h) To avoid, remedy or mitigate any adverse effects of activities associated with structures in the Coastal Management Zone.

13.2.3(i) The effects of structures on coastal hydrological and geomorphic processes will be specifically taken into account.

13.2.3(j) Activities will not result in any nuisance to adjoining occupiers of the coastal marine area or nearby land, which is not controlled to acceptable levels or avoided altogether. Nuisance effects such as noise, dust, traffic, light, glare or smell are to be avoided, remedied or mitigated.

13.2.3(k) Stormwater outfall structures should be designed so that coastal erosion is minimised.

13.2.3(l) To recognise that structures that would adversely affect navigation and mooring within navigation channels and mooring areas are inappropriate.

13.2.3(m) Structures must not exceed the airport height restrictions identified in planning map 11d.

13.2.3(n) To encourage methods of vessel storage that use space in the coastal marine area efficiently.

13.2.3(o) Mooring areas will be concentrated, so as to leave some areas in a natural state free of boats, and to provide for efficient management of parking, storage and facilities.

13.2.3(p) Marinas are inappropriate in the following locations:

- Waiotahi Estuary;
- Ohiwa Harbour; and
- the Coastal Habitat Preservation Zone.

In other locations the appropriateness of marinas should be determined on a case by case basis.

13.2.3(q) All of the following should be installed at new marinas:

- oil spill containment and clean-up equipment;
- adequate provision for immediate isolation of fuel dispensers and reticulations in the event of leakage, rupture or general failure;
- hard-standing bunding and sumps in order to prevent the discharge to the coastal marine area of contaminants associated with boat careening, repair and maintenance;
- facilities for the collection of sewage, bilge water and rubbish and methods for their appropriate disposal.

13.2.3(r) Consideration should be given to the installation of vessel waste disposal facilities at frequently used boat ramps (see chapter 9 – Coastal Discharges).

## 13.2.4 Rules

Note: The rules are set out in this chapter to assist readers who wish to view the rules in the context of relevant objectives and policies. These are the rules that are to be applied for regulatory purposes. A summary table of all the rules is provided in Part VI for convenience, but that summary table is not intended to be used for regulatory purposes. A diagram of the Port area is also provided to give guidance on the application of port zone rules. Again this is not to be used for regulatory purposes.

**The rules are to be read subject to the following definitions:**

The rules apply to activities in the coastal marine area only. They do not apply to activities on land outside the coastal marine area. The coastal marine area is described in chapter 2 – Plan Coverage. Where an activity is classified as a prohibited activity in the rules of this plan, it shall be read as an activity for which no resource consent shall be granted (refer to section 2 of the Resource Management Act 1991). Where an activity is classified as a restricted coastal activity, the Minister of Conservation is the consent authority. Where rules relating to the Port Zone refer to “existing” structures, these shall be those structures in physical existence as at 1 January 2002.

### All zones except the Coastal Habitat Preservation Zone

Navigation Aids

13.2.4(a) The erection or placement, alteration, extension or removal of navigation aids by:

- Environment Bay of Plenty or its agents; or
- the Maritime Safety Authority or its agents; is a permitted activity.

Structures in Permanently Navigable Harbour Waters

13.2.4(b) Erection or placement of the following structures:

- wharfs;
- boat ramps;
- structures for the specific purpose of providing public access to and along the coastal marine area;
- submarine cables and pipelines;
- structures for the specific purpose of providing vessel moorings or berths; and
- bridges;

within permanently navigable harbour water, is a discretionary activity. The erection or placement of any other structure within permanently navigable harbour waters is a prohibited activity.

For the purpose of this rule “permanently navigable harbour waters” means harbour or estuary that is covered by water at the lowest astronomical tide, but excluding: the open coast; the Port Zone, the Harbour Development Zone and the Coastal Habitat Preservation Zone.

13.2.4(c) Erection, construction or placement of swing mooring structures (excluding wharfs), within the mooring areas shown in the maps to this plan, is a permitted activity. Note: This rule does not remove the obligation in section 23 of the Act, to comply with all other applicable Acts, regulations, bylaws and rules of law.

13.2.4(d) Erection, construction or placement of swing mooring structures (excluding wharfs), outside the mooring areas shown in the maps to this plan, is a discretionary activity. This rule does not apply in the Port Zone.

13.2.4(e) The removal of any mooring structure by its owner is a permitted activity. All Structures

13.2.4(f) The maintenance or alteration of any structure in the coastal marine area is a permitted activity, notwithstanding rule 13.2.4(o), provided that all of the following standards are complied with:

- There is no increase in the external length, width, or height of any structure, except for increases for the purposes of:
  - replacement, removal or alteration of existing aerial telecommunications or electricity cables, where these activities will not result in an increase in the design voltage and the new or altered cables will not be lower in height above the foreshore or seabed;
  - replacement, removal, alteration or addition of telecommunications or electrical insulators, circuits, earth wires, earth peaks and lightning rods;
  - replacement, removal, alteration or addition of bridge footpaths, bridge side rails, bridge road seal, bridge road signs, bridge road lighting, and cables or pipes attached to bridges, where these activities will not cause an increase in the flood levels for a 1% annual exceedance probability flood event; and provided that any increase in height does not exceed the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d.
- Any alterations are structurally sound.
- There is no adverse effect on public access to, along and through the coastal marine area, other than temporary restrictions not lasting more than one week.

- Alterations will not be for the purposes of new or additional capacity for transport through the coastal marine area of sewage, petroleum products or hazardous substances.

Any maintenance or minor alteration that does not comply with these standards is a discretionary activity. This rule does not permit the erection or reconstruction of structures, which are controlled by rule 13.2.4(h).

### **Coastal Management Zone**

13.2.4(g) Notwithstanding rules 13.2.4(i) and (k), the erection, reconstruction, placement, alteration, extension, removal or demolition of temporary maimai within the Coastal Management Zone is a permitted activity, provided that:

- the structures are erected no earlier than one month before the beginning of each annual shooting season; and
  - the structures are dismantled and completely removed within one month following the end of each relevant annual hunting season; and
  - indigenous vegetation is not used in the construction of maimai; and
  - no clearance of vegetation occurs, other than that immediately underneath the maimai, and the minimum clearance necessary to maintain single file foot access to the maimai; and
  - the structures are maintained in good order and repair for the season.
- 13.2.4(h) The erection, reconstruction, placement, alteration, extension, demolition, removal or abandonment of structures in the Coastal Management Zone not expressly provided for or prohibited by other rules of this plan, is a discretionary activity. Abandoned Structures

13.2.4(i) Notwithstanding rule 13.2.4(h), the removal of any structure by Environment Bay of Plenty or its agents, which is derelict or abandoned and for which no person or agency can be found who is willing to take responsibility for the ownership and maintenance of the structure, is a permitted activity, provided that the structure is not registered as being of historic value, and that there shall be no adverse effect on the Sites of District or Local Significance (CMA) demarcated on the maps, or any of the values for areas of significant conservation value identified in the Third Schedule to this plan – Areas of Significant Conservation Value.

### **Coastal Habitat Preservation Zone**

Maimai

13.2.4(j) The erection, reconstruction, placement, alteration, extension, demolition or removal of temporary maimai within the Coastal Habitat Preservation Zone is a permitted activity, provided that:

- the structures are erected no earlier than one month before the beginning of each annual shooting season; and
- the structures are dismantled and completely removed within one month following the end of each relevant annual hunting season; and
- indigenous vegetation is not used in the construction of maimai; and
- no clearance of vegetation occurs, other than that immediately underneath the maimai, and the minimum clearance necessary to maintain single file foot access to the maimai; and
- the structures are maintained in good order and repair for the season. Other Structures

13.2.4(k) Notwithstanding rule 13.2.4(l), the erection, reconstruction, placement, alteration or extension, of any of the following structures within the Coastal Habitat Preservation Zone is a discretionary activity:

- structures for the specific purpose of providing protection for the values associated with such areas; or
- structures for the specific purpose of providing educational, scientific or passive recreational opportunities; or
- structures for network utilities, and navigational aids; or
- structures erected, reconstructed, placed, altered, or extended prior to the date on which this plan was publicly notified.

13.2.4(l) Erection, reconstruction, placement, alteration, or extension of any structure within the Coastal Habitat Preservation Zone, on or after the date on which this plan became publicly notified, is a prohibited activity.

13.2.4(m) The demolition, or removal of structures within the Coastal Habitat Preservation Zone is a discretionary activity.

### **Harbour Development Zones**

13.2.4(n) Erection, reconstruction, placement, alteration, extension, removal or demolition of any structure, in the Harbour Development Zone, not expressly provided for by another rule, is a discretionary activity.

### **Port Zone**

13.2.4(o)(i) With the exclusion of the Sulphur Point North Facing Berth area and the area south of the petrochemical wharf at Mount Maunganui as shown on Map 1 of the Eighth Schedule to this plan, the erection, reconstruction, placement, alteration, extension, removal or demolition of any structure (excluding cranes) within the area that the Port of Tauranga Limited has been granted a section 384A occupation permit as shown on Planning Map 11d, is a non-notified limited discretionary activity. Environment Bay of Plenty restricts the exercise of its discretion to the following matters:

- the compatibility of the structure and its intended use with the purpose of the Port Zone,
- the finished visual appearance when viewed from a public place,
- the effects of glare and lighting,
- structural integrity,
- effects on the hydrodynamic and geomorphic regime of the harbour,
- effects during construction on other harbour users, aviation, navigation and public safety,
- the review of conditions and the timing and purpose of that review,
- the amount and type of any financial contribution,
- compliance monitoring.

Applications will be considered without the need to obtain the written approval of affected persons.

13.2.4(o)(ii) If the erection, reconstruction, placement, alteration or extension of any building or structure exceeds the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d then it is a limited discretionary activity, subject to normal notification procedures and discretion is limited to the matters listed above (in 13.2.4(o)(i)) with the following addition:

- the effects of the activity on the flight safety and operations of aircraft into and out of Tauranga airport.

Note: Any requirements of the Civil Aviation Authority, the Civil Aviation Act 1990 and the Civil Aviation rules including in relation to lighting and marking of any structure will need to be met.

### **Wharf Cranes – Port Zone**

Note: All wharf cranes will need to meet any requirements of the Civil Aviation Authority, the Civil Aviation Act 1990 and the Civil Aviation Rules including in relation to lighting and marking of any structure.

13.2.4(p)(i) Subject to 13.2.4(p)(ii), the erection, reconstruction, placement, alteration or extension of any wharf crane that exceeds the specified airport slopes and surfaces of Tauranga airport as shown on Planning Map 11d is a limited discretionary activity, subject to normal notification procedures and discretion is limited to:

- the effects of the activity on the flight safety and operations of aircraft into and out of Tauranga airport.

13.2.4(p)(ii) Notwithstanding rule 13.2.4(p)(i), the erection, reconstruction, placement, alteration or extension of a wharf crane located in the area of the existing wharf at Sulphur Point and the Sulphur Point Extension North is a permitted activity provided that:

- the crane or any alteration or extension to it does not exceed 90 metres (Moturiki datum) in height when extended; and
- the number of wharf cranes permitted within the area of the existing wharf at Sulphur Point and the Sulphur Point Extension North is limited to a total of five. Any additional wharf cranes are subject to rule 13.2.4(p)(i). In this rule, 'extension' and 'extended' refer to the maximum vertical extension that can be achieved by any part of the crane.

Note: The existing wharf and the Sulphur Point Extension North are shown in the Outline Development Plan referred to as Drawing No. 270-27 Amendment B contained in the Eighth Schedule to this plan.

### **Other Structures – Port Zone**

13.2.4(q) The erection, reconstruction, placement, alteration, extension, removal or demolition of any structure in the Port Zone, not expressly provided for by another rule, is a discretionary activity.

### **Restricted Coastal Activities – Port Zone**

13.2.4(r) Any activity involving the erection of a structure or structures that are expressly described in the Eighth Schedule to this plan - Outline Development Plan Port of Tauranga 1994-2004 and are subject to rules 13.2.4(o) or 13.2.4(q):

- which will impound or effectively contain less than 8 hectares of the coastal marine area, or
- which are floating or open pile and would not impede water flows, or
- which are solid and would be equal to or less than 1000 metres in length more or less parallel to the line of mean high water springs (including separate structures which incrementally total up to 1,000 metres, contiguously), or
- which are solid and would be sited obliquely or perpendicular to the line of mean high water springs in horizontal projection of not more than 1,000 metres in length; is not a restricted coastal activity.

Note:

a) This provision raises the restricted activity thresholds for activities involving the erection of structures within the port zone and as described by the Port Outline Development Plan. All other activities are subject to the normal restricted coastal activity criteria set out in the First Schedule to this plan.

b) Noise provisions are contained in chapter 20.

## **Restricted Coastal Activities – All Zones**

13.2.4(s) The erection of any structure which is not provided for by rule 13.2.4(r) and exceeds any of the thresholds specified in clause 1.2(a), clause 1.3(a), clause 1.4(a) and, clause 1.5(a) of the First Schedule to this plan – Restricted Coastal Activities is a discretionary restricted coastal activity in accordance with part (c) of those sections (for which the Minister of Conservation is the consent authority), notwithstanding that it may be described as being a permitted activity in this plan.

Environment Bay of Plenty will:

13.2.5(a) Encourage, as conditions on coastal permits for structures, the use of designs and materials that can be removed with minimal adverse effects.

13.2.5(b) When appropriate, send Land Information New Zealand a copy of any approved coastal permit, in accordance with section 114(2) of the Resource Management Act.

13.2.5(c) Forward copies of consent applications to the Director of Maritime Safety in accordance with section 395 of the Resource Management Act 1991.

13.2.6(a) Environment Bay of Plenty may, at its discretion, undertake the removal of structures which:

- are having adverse environmental effects which cannot be avoided, remedied or mitigated; or
- are in an unsafe state; and
- for which there is no owner or no administering authority or some other person or agency willing to assume responsibility for the structure and carry out all necessary remedial works.

13.2.6(b) Environment Bay of Plenty will continue a programme to review all unauthorised structures on the margins of the Tauranga and Ohiwa harbours. The process started with high priority areas in July 1998.

## **14.1 Explanation/Principal Reasons**

This chapter addresses the requirements of sections 12(1)(c), 12(1)(d), and 12(1)(e) of the Act. These sections control disturbance of, and deposition on to, the foreshore or seabed. In brief, these sections of the Act prohibit these activities where there are likely to be adverse effects, unless the activities are expressly allowed by a rule in a plan or by a resource consent. Section 12(2)(b) of the Act which controls removal of sand, shingle, shell or other natural material (minerals) from land within the coastal marine area is also addressed. The three main issues are dredging, marine disposal of dredged spoil, and extraction of sand, shell shingle and minerals.

### **Dredging and Spoil Disposal**

Dredging is a form of excavation that is designed to clear a channel to allow vessel navigation in areas which would otherwise be too shallow. It involves the scooping or sucking up of sediments from the seabed and is often required around commercial ports and marinas in the upper reaches of harbours. Dredging may also be required in deeper water to provide for large ships. For management purposes, dredging activity is generally categorised as either: Capital dredging: meaning new dredging of the natural foreshore or seabed for the purpose of providing adequate depth for a specified purpose. Maintenance dredging: meaning the ongoing dredging necessary to maintain the channel dimensions specified in a coastal permit for capital works dredging. Associated with the activity of dredging is the dumping of spoil. Both dredging and spoil dumping at sea can have significant adverse environmental effects. These adverse effects may include some or all of the following:

- An increase in suspended sediment load (and a corresponding decrease in water quality).
- The possible silting of shellfish beds and benthic communities.
- Changes in water chemistry associated with the release of chemicals from sediments.
- Changes to sea floor bathymetry.
- Changes to sediment transport patterns.
- Loss of fish spawning and feeding grounds, with possible flow-on shortage of food for birds.
- Changes to patterns of recreation and commercial fishing activities as well as to recreational diving.
- Changes to water movement patterns in an area. This in turn can lead to such changes as movement or shoaling of natural drainage channels and to the creation of dead zones – areas of reduced tidal flushing where sediment or any pollutants in the water tend to settle.
- Alteration of the physical nature of the sediments in the affected area. This in turn can change the type and abundance of organisms present. The ability of the disrupted communities to recover is a major concern. Some organisms (those which live within naturally disturbed areas) can cope with such changes whereas others (those which live in relatively stable environments) cannot. An alternative to disposal of dredging spoil at sea is disposal of it on land. However, this may also have adverse effects including all or some of the following:
  - contamination of surface and ground waters over time through degeneration and release of leachate (as the result of physical and chemical changes to the dredged material);
  - reduced quality of adjacent surface waters through sedimentation;
  - destruction of the habitat values at the disposal site; and
  - disturbance of adjacent land uses during disposal.

Because dredging and spoil disposal can have these adverse effects, the plan requires coastal permits to be obtained before dredging or spoil disposal can take place.

## **Port of Tauranga**

It is recognised that dredging is required to keep the Port of Tauranga operational. This is the largest export port (by volume) in New Zealand and its continued operation can be viewed as being in the national interest. The Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, specifies the location and extent of dredging to take place. Dredging is specified as a discretionary activity as there is a potential for significant adverse effects when establishing navigation channels or berths. The capital dredging identified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, is confined to areas adjacent to existing port activities as these areas have already been modified. The extent of maintenance dredging required is also shown in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004.

The volume of dredgings from the Port of Tauranga would make it impractical to consider land-based disposal, although some dredged sand is currently removed for sale. Furthermore, the existing dump sites are closely monitored and seem to be having some positive effects in terms of replenishing sand on local beaches. Additionally, the disposal sites have already been modified by previous dumping. Therefore it is appropriate to provide for the current dumping grounds in accordance with the details as specified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004. Specific dump sites have been provided to facilitate beach replenishment.

Spoil derived from capital dredging works at the Port of Tauranga may vary in physical composition, depending on the location of the dredging. In some cases where the spoil contains excessive fine silt, the dumping grounds specified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, may not be appropriate and alternative dumping sites may need to be considered.

## Whakatane Harbour

The harbour at Whakatane is a much smaller scale operation. However, dredging may periodically be required to remove sediment deposited by the Whakatane River, and may also be required to establish new berths (refer to the Fifteenth Schedule – Whakatane Harbour Development Zone Outline Plan). As the effects of these dredging activities could be significant, they are a discretionary activity. Dumping of dredgings from the Whakatane Harbour is also a discretionary activity for the same reason. The volumes of maintenance dredgings from the port of Whakatane are small enough to make it practical to use land-based disposal. Alternatively, some of the sand may be suitable for beach replenishment. There are no established ocean dumping grounds for dredge spoil from Whakatane Harbour. For this reason ocean dumping grounds for Whakatane Harbour are not specified in this plan and coastal permit applicants will need to consider the alternatives of land disposal or beach replenishment.

## Other Capital Works Dredging

The above applies to other capital dredging works such as marina development, maintenance of recreational navigation channels, and localised dredging associated with minor works such as small jetties and wharfs. In addition, there may be certain circumstances in which parts of the coastal marine area would be required for the temporary storage of dredged material. Such temporary storage could be for stockpiling sand before commercial recovery or for the stockpiling of sand before beach replenishment operations. In the case of the Port of Tauranga, temporary dumping grounds are specified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004. These temporary dump grounds are already in use.

## Mineral Extraction

Sand, shingle and mineral extraction can also be a form of dredging. However, its primary purpose differs from that of dredging to provide for navigation access, in that the bulk of these materials are extracted for commercial sake or other use. Shingle is currently taken from several river mouths in the eastern Bay of Plenty while sand is extracted from three sites in the coastal marine area of the region. Sand, shell and shingle extraction is dealt with under both the Crown Minerals Act and the Resource Management Act. The Crown Minerals Act allocates prospecting, exploration and mining rights to Crown-owned minerals while the Resource Management Act deals with the effects of removal. Although sand, shell and shingle within the coastal marine area are by definition Crown-owned minerals, section 4.2.3 of the Minerals Programme for Minerals other than Coal, Oil and Petroleum (1996) provides that mining permits are not required from the Crown for mining of sand, shingle or other natural material from the coastal marine area.

However, in all cases where it is proposed to extract any sand, shell and shingle (or other natural material) from within the coastal marine area, a coastal permit will be required from Environment Bay of Plenty. This ensures that the adverse effects of mineral extraction are avoided, remedied or mitigated. Adverse effects that could arise from the removal of sand, shingle, shell and other natural material within the coastal marine area include:

- Coastal erosion – removing sand, shell, shingle, or other natural material from beach systems may trigger or worsen beach erosion.
- Biological effects – this can result from the direct disturbance or removal of habitat and the smothering of benthic communities by sedimentation. However, impact tends to be site specific and relatively localised and it appears that disturbed areas generally recolonise once extraction ceases.
- Cultural effects – the removal of sand, shingle, shell or other natural material could disturb or destroy areas of cultural and historical significance. Some beaches may contain midden and burial sites. In addition, the coastal marine area has a particular

significance to tangata whenua who have concerns that the spiritual values placed on parts of the coast would be affected by sand, shell or shingle extraction.

One of the major concerns associated with sand extraction is that it will cause coastal erosion (either on-site or off-site). This concern is based on the knowledge that beaches are an integral part of a wider coastal sediment system and must adjust to any changes in their equilibrium caused by losses or gains of sand. This system is called the active beach system. The removal of large quantities of sand, shell or shingle from these systems may well trigger beach erosion. In addition, removal of dunes can increase the vulnerability of low lying land to storm flooding.

This issue has been made more serious in recent years by the prospect of rising sea levels. Any rise in sea level will result in erosion of beaches and the landward movement of mean high water springs. For these reasons, the plan phases out sand, shell and shingle extraction in the active beach system. Correspondingly, provision should be made for alternative sources of these materials in locations where the potential adverse effects would be far less.

In addition to sand, shell and shingle, there are also other minerals within the Bay of Plenty coastal marine area which industry has shown an interest in extracting (e.g. gold and silver deposits around geothermal vents, and certain heavy metals). The extraction of these minerals is quite different from that of sand, in that usually the great majority of sediments are returned to the seabed once the minerals have been processed and extracted. However, the extraction of minerals and the disposal of unwanted sediments could result in both disturbance and smothering of many hectares of seabed, with significant adverse effects on marine flora and fauna. The disposal of unwanted sediments may release contaminants from the sediments or the chemical processing of ore. For these reasons, mineral extraction is a potentially damaging activity. Accordingly it is a discretionary activity.

In the absence of certainty with regard to the likely effects of any extraction activities (including sand, shingle, shell and mineral) Environment Bay of Plenty considers that a conservative approach should be taken with regard to their authorisation. At a minimum the impact of any extraction activities would need to be carefully monitored, and depending upon the size of the operation, a detailed assessment of environmental effects may be required.

## **Disturbance and Deposition**

There are a wide range of other activities that can cause disturbance and deposition on the foreshore or seabed. These include:

- vehicle use on the foreshore,
- stock grazing and trampling,
- horse riding,
- disposal of spoil from activities such as road construction,
- disturbance caused in the erection of structures,
- disturbance caused by military training,
- disturbance caused by driftwood collecting and beach grooming.

The use of vehicles on beaches may contribute to erosion by lowering the beach berm and making frontal dunes more susceptible to wave attack. It may also cause damage to intertidal habitats and pose a safety hazard to members of the public. Vehicle access on to the foreshore is necessary for some activities, but indiscriminate use of vehicles can cause significant cumulative effects. Accordingly the rules permit specific vehicle uses on the foreshore, but place restrictions on other use of vehicles on the foreshore. In addition, some district council bylaws contain more specific restrictions on vehicle use. Those bylaws must be complied with as well as the rules of this plan.

Stock grazing and trampling can damage and destroy estuarine vegetation or depress regeneration. Stock grazing can also result in direct faecal contamination of coastal water. Accordingly the rules prohibit grazing in the coastal marine area. Drain construction and maintenance, excavation of river mouths, disposal of spoil from road construction or shell from aquaculture operations, and disturbance associated with the erection of structures on the foreshore or seabed, beach grooming and driftwood

removal all have the potential to cause significant adverse effects. Accordingly the rules of the plan control these activities.

The New Zealand Defence Force has used the coastal marine area surrounding Paepae o Aotea (Volkner Rocks) as a practice range for aerial bombing and naval gunfire. These periodic military training exercises have caused disturbance to Paepae o Aotea (Volkner Rocks) which are significant for their cultural and other values. Consequently this activity is non-complying. The New Zealand Defence Forces also occasionally undertake other temporary training activities on beaches. The disturbance from these activities is minor and local in extent, and is accordingly a permitted activity subject to conditions.

The Resource Management (Marine Pollution) Regulations 1998 control the dumping of waste or other matter in the coastal marine area from any ship, aircraft or offshore installation. These regulations should be consulted.

### **14.2.1 Key Issues**

The coastal marine area can be adversely affected by disturbance and/or deposition resulting from a variety of activities. Sand, shell, shingle and mineral extraction in the coastal marine area can adversely affect the environment as a result of direct disturbance, deposition of material, introduction of contaminants and can cause coastal erosion. Dredging and spoil disposal, both that which is necessary for maintenance of existing channels, and that which is associated with new development, can result in significant adverse environmental effects.

### **14.2.2 Objectives**

14.2.2(a) Provisions for disturbance and deposition within the coastal marine area only as appropriate and while avoiding, remedying or mitigating any associated adverse environmental effects.

14.2.2(b) Provision for sand, shell, shingle and/or mineral extraction within the coastal marine area only in appropriate locations while avoiding, remedying or mitigating any associated adverse environmental effects.

14.2.3(a) To avoid the adverse effects of disturbance and deposition within the coastal marine area caused by disposal of spoil from land-based activities.

14.2.3(b) To avoid, remedy or mitigate adverse effects from dumping into the coastal marine area of aquaculture processing wastes.

14.2.3(c) To restrict the use of vehicles on foreshore and seabed to those which have a legitimate need to utilise such areas.

14.2.3(d) To provide for disturbance and deposition associated with periodic activities undertaken by the New Zealand Defence Force.

14.2.3(e) To provide for dredging, disturbance and deposition, where necessary to protect the integrity of major flood protection and/or drainage schemes.

14.2.3(f) To avoid, remedy or mitigate any adverse environmental effects associated with disturbance, deposition or mineral extraction.

14.2.3(g) To discourage channelisation or piping of streams flowing into estuaries or harbours.

### **Mineral Extraction**

14.2.3(h) To recognise the extraction of sand, shell, shingle and minerals from the Coastal Habitat Preservation Zone as inappropriate.

14.2.3(i) To take a precautionary approach to sand, shell and shingle removal, or dredging; within the coastal environment in recognition of:

- the importance of maintaining the ability of coastal land forms to resist erosion and flooding; and
- the limited nature of knowledge on coastal processes in general and local sediment dynamics in particular; and
- rising sea level and the impact this will have on beach erosion.

14.2.3(j) To provide for a transition from the extraction of sand from the active beach system to extraction from less sensitive areas, and take into account the areas sensitive to coastal hazards identified in the maps of this plan.

### **Dredging and Spoil Disposal**

14.2.3(k) To take into account the potential benefits of using sand from dredging for the purpose of beach replenishment. Map 6 of the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, identifies appropriate beach replenishment dumping grounds for sand dredgings from the Port of Tauranga, but other dumping grounds may also be appropriate for beach replenishment.

14.2.3(l) To recognise that capital works dredging identified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, is appropriate within the Port Zone.

14.2.3(m) To recognise that capital works dredging identified in the Harbour Development Zone is appropriate where it is to provide for the purpose of that zone, as described in chapter 3 – Plan Structure.

14.2.3(n) To recognise the coastal marine area as requiring a level of protection from adverse effects of dredging and spoil disposal that is appropriate to the site specific environmental values present.

14.2.3(o) To recognise maintenance dredging as being necessary for the continued operation of certain activities within the coastal marine area.

14.2.3(p) The time and duration of dredging or spoil disposal operations should not interfere with:

- the migratory patterns of marine life (such as whitebait runs); and
- the spawning of marine life.

14.2.3(q) Dredging and spoil disposal activities should use methods of dredging, spoil transport and spoil disposal designed to minimise adverse effects on:

- water quality;
- the benthic community adjacent to the area to be dredged or dumped on;
- recreational and commercial activities;
- cultural and social values.

14.2.3(r) Selection of new dumping sites (additional to those in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004), will be subject to the following criteria:

- avoidance of interference with areas of existing significant fisheries, or shell fisheries or other areas containing nationally rare or outstanding examples of indigenous ecological community types;
- avoidance of areas of heavy commercial or recreational navigation;
- the capacity to return seawater to ambient conditions before reaching any beach (except where beach replenishment is one of the purposes of dredging), or significant fishery, shell fishery or identified area or value of significance;

- minimum size to limit any adverse effects and to allow for effective monitoring to determine any adverse effects;
- maintenance of beaches and related sediment transport processes.

14.2.4(a) The construction of open drains, removal of sand, shell, shingle and minerals, dredging and spoil disposal, within the Coastal Habitat Preservation Zone are prohibited activities.

14.2.4(b) Any disturbance of, deposition on, dredging of, or removal of sand, shingle and shell from the foreshore or seabed, not expressly provided for or prohibited by the other rules of this plan, is a discretionary activity.

14.2.4(c) Disturbance of the foreshore or seabed for the maintenance of drains is a permitted activity subject to compliance with the following standards and terms:

- excavation will not result in an increase in the original dimensions of the drain;
- the spoil will be disposed of on to land outside the coastal marine area; and
- the drain is not in the Coastal Habitat Preservation Zone or the sites of district or local significance in the coastal marine area identified in the maps.

14.2.4(d) Disposal on to the coastal marine area of any spoil from land-based activities other than diversion of coastal water, reclamation and beach replenishment, is a prohibited activity.

14.2.4(e) Where a rule in this plan states that the erection, reconstruction, alteration, extension, demolition or removal of structures:

- is a permitted activity, then deposition on and disturbance of the foreshore or seabed for that purpose is also a permitted activity,
- is a controlled activity, then deposition on and disturbance of the foreshore or seabed for that purpose is also a controlled activity,
- is a discretionary activity, then deposition on and disturbance of the foreshore or seabed for that purpose is also a discretionary activity,
- is a prohibited activity, then deposition on and disturbance of the foreshore or seabed for that purpose is also a prohibited activity.

14.2.4(f) The disturbance of foreshore or seabed by the use of vehicles is a permitted activity, except in the Coastal Habitat Preservation Zone, and provided that the vehicle use is for any of the following activities:

- surf life saving operations;
- emergency situations, including (but not restricted to) fire fighting, oil spills, rescue operations, salvage of vessels and sea mammal strandings;
- burial of dead animals washed up on the foreshore;
- the removal of litter, nuisance matter, or driftwood and debris which may affect navigation and safety of vessels;
- the launching or retrieval of vessels;
- the transportation of recreational equipment to the waters edge;
- Coastcare projects;
- beach grooming undertaken by either a district council or its agents;
- New Zealand Defence Force temporary military training activities, provided that Environment Bay of Plenty, the Department of Conservation and adjacent territorial authorities have been advised before the training takes place;
- local authority, Government, and educational institution data collection, monitoring, maintenance and law enforcement activities, provided the vehicles do not exceed 1.8 tonnes kerb weight.

14.2.4(g) Burial of dead animals washed up on the foreshore is a permitted activity.

14.2.4(h) Disturbance of, or deposition on, the foreshore or seabed resulting from artillery gunfire, naval gunfire, or aerial bombardment, for military training, is a discretionary activity, except within a 1 nautical mile radius of Paepae o Aotea (Volkner Rocks) where it is a non-complying activity.

14.2.4(i) Except in the Coastal Habitat Preservation Zone, disturbance of, and deposition on, the foreshore or seabed for temporary military training activities of the New Zealand Defence Forces other than those controlled by

14.2.4(h) is a permitted activity, provided that Environment Bay of Plenty, the Department of Conservation, adjacent territorial authorities and the relevant iwi authority are advised before the training takes place.

14.2.4(j) Removal, damage, modification or destruction of indigenous vegetation that is growing in the foreshore or seabed, is a discretionary activity.

14.2.4(k) The grazing of stock in the coastal marine area is a prohibited activity.

14.2.4(l) Disturbance and deposition for the taking of driftwood from the coastal marine area are permitted activities provided it does not involve the use of vehicles on the foreshore.

14.2.4(m) Disturbance of, deposition or dredging of the foreshore or seabed to maintain river flood protection and drainage schemes presently operated by Environment Bay of Plenty or its agents and the Waihi Drainage District Society Incorporated, is a controlled activity. Environment Bay of Plenty reserves control over these matters:

- the duration of the consent;
- information and monitoring requirements;
- administrative charges;
- the quantity, nature and composition of the material to be disturbed, dredged or deposited;
- any adverse effects on indigenous flora, fauna, natural character or cultural values;
- the location and method of disturbance, deposition or dredging;
- the frequency or timing of disturbance, deposition or dredging.

This rule does not apply where the purpose of the disturbance, deposition or dredging is to create new flood protection schemes, or to extend existing works (including but not limited to dredging and excavation).

14.2.4(n) Removal for profit (mining) of sand, shell and shingle from the active beach system of the open coast is a discretionary activity until the third anniversary of this plan becoming operative. For the purpose of this rule the active beach system is that area on the open coast between the 8.5 metre bathymetric contour and mean high water springs.

14.2.4(o) Removal for profit (mining) of sand, shell and shingle from outside the active beach system of the open coast is a discretionary activity. For the purpose of this rule the active beach system is that area on the open coast between the 8.5 metre bathymetric contour and mean high water springs.

14.2.4(p) From the third anniversary of this plan becoming operative, removal for profit (mining) of sand, shell and shingle from the active beach system on the open coast is a prohibited activity for which no resource consent shall be granted. For the purpose of this rule the active beach system is that area on the open coast between the 8.5 metre bathymetric contour and mean high water springs.

14.2.4(q) Removal for profit (mining) of minerals other than sand, shell and shingle from within the coastal marine area is a discretionary activity.

14.2.4(r) Disposal to the coastal marine area of spoil from sand, shell, shingle or mineral removal for profit (mining) is a discretionary activity.

14.2.4(s) The permanent disposal of any dredging spoil within the Harbour Development Zone is a prohibited activity, unless the dredging spoil is being used for a consented reclamation or impoundment.

14.2.4(t) Deposition of dredge spoil on the foreshore or seabed which:

- is from the Port of Tauranga Limited's dredging operations, and
- is deposited within the boundaries of the dumping sites identified in the Eighth Schedule to this plan – Outline Development Plan Port of Tauranga – 1994-2004. is a discretionary activity for which Environment Bay of Plenty is the consent authority in accordance with the First Schedule to this plan, clause 1.7(b).

Note: This rule removes the restricted coastal activity criteria for Port of Tauranga dredging deposition operations contained in the Eighth Schedule to this plan - Outline Development Plan Port of Tauranga 1994-2004 in accordance with clause 1.7 of the First Schedule to this plan.

### **Port Zone**

14.2.4(u) Disturbance of (including removal of sand, shingle, shell, or other natural material from) or deposition on the foreshore or seabed for the purpose of erection, reconstruction, placement, alteration or extension of any structure expressly controlled by rule 13.2.4(o), is a non-notified limited discretionary activity. Environment Bay of Plenty restricts the exercise of its discretion to the following matters:

- the area, quantity, location and timing of disturbance or deposition,
- the materials deposited,
- effects on the hydrodynamic and geomorphic regime of the harbour,
- coastal water quality including the provisions of chapter 9 – Coastal Discharges and the Thirteenth Schedule to this plan,
- effects on other harbour users, navigation, and public safety during construction,
- site specific historical or cultural values,
- the review of conditions and the timing and purpose of that review,
- the amount and type of any financial contribution,
- compliance monitoring,

Applications will be considered without the need to obtain the written approval of affected persons.

14.2.4(v) Any disturbance (including removal of sand, shingle, shell, or other natural material from) of the foreshore or seabed for the following activities as expressly described in the Eighth Schedule to this plan:

- construction of the Sulphur Point Wharf Extension North Sitting Basin,
- construction of the Sulphur Point Wharf Extension South Sitting Basin,
- construction of the Sitting Basin between the existing Mt Maunganui Wharf and the southern face of the petrochemical wharf,
- the Mount Maunganui Wharfs Future Berth Deepening as shown on plan 270-25A,
- and maintenance dredging; is a non-notified limited discretionary activity. Environment Bay of Plenty restricts the exercise of its discretion to the following matters:
  - the area, quantity, location and timing of disturbance,
  - effects on the hydrodynamic and geomorphic regime of the harbour and open coastline,
  - effects on marine life and ecosystems,

- coastal water quality including the provisions of chapter 9 – Coastal Discharges and the Thirteenth Schedule to this plan,
- effects on other harbour users, navigation and public safety during construction,
- site specific historical or cultural values,
- the review of conditions and the timing and purpose of that review,
- the amount and type of any financial contribution,
- compliance monitoring,

Applications will be considered without the need to obtain the written approval of affected persons.

14.2.4(w) Deposition onto the foreshore or seabed for the following reclamation as expressly described in the Eighth Schedule to this plan:

- construction of the Sulphur Point Wharf Extension North,
- construction of the Sulphur Point Wharf Extension South,
- construction of the Mt Maunganui Wharf Extension South between the existing Mt Maunganui Wharf and the southern face of the petrochemical wharf, is a non-notified limited discretionary activity for which Environment Bay of Plenty is the consent authority in accordance with the First Schedule to this plan, clause 1.7(b). Environment Bay of Plenty restricts the exercise of its discretion to the following matters:
  - the material, quantity, area, location and timing of deposition,
  - effects on the hydrodynamic and geomorphic regime of the harbour,
  - coastal water quality including the provisions of chapter 9 – Coastal Discharges and the Thirteenth Schedule to this plan,
  - effects on other harbour users, navigation and public safety during construction,
  - site specific historical or cultural values,
  - the review of conditions and the timing and purpose of that review,
  - the amount and type of any financial contribution,
  - compliance monitoring,

Applications will be considered without the need to obtain the written approval of affected persons.

14.2.4(x) The permanent disposal of any dredging spoil within the Port Zone is a prohibited activity, unless the dredging spoil is being used for an authorised reclamation or impoundment.

14.2.4(y) Disturbance of (including removal of sand, shingle, shell, or other natural material from) the foreshore or seabed, except as provided for in rules 14.2.4(u) and 14.2.4(v), which:

- is for the purpose of the capital dredging works identified in the Eighth Schedule to this plan – Outline Development Plan Port of Tauranga 1994-2004, and
- is less than 300,000 cubic metres in volume, and
- is less than 10 hectares in area, and
- extends less than 10,000 metres, is a discretionary activity for which Environment Bay of Plenty is the consent authority in accordance with the First Schedule to this plan, clause 1.6(a)(iii).

#### **Restricted Coastal Activities (All zones)**

14.2.4(z) Disturbance of (including removal of sand, shingle, shell, or other natural material from) the foreshore or seabed which:

- is not maintenance dredging, or
- is not explicitly provided for by rule 14.2.4(y), or

- is not prohibited by another rule, and
- is in volumes greater than 50,000 cubic metres, or
- is extracted from areas equal to or greater than 4 hectares, or
- extends 1,000 metres or more over the foreshore or seabed, is a discretionary restricted coastal activity (for which the Minister of Conservation is the consent authority in accordance with the First Schedule to this plan, clauses 1.6(a)(i) and (b)).

14.2.4(za) Deposition of any material on the foreshore or seabed which:

- is not explicitly provided for by rule 14.2.4(t) or 14.2.4(u), or
- is not prohibited by another rule, and
- is greater than 50,000 cubic metres in any 12 month period, is a discretionary restricted coastal activity for which the Minister of Conservation is the consent authority in accordance with the First Schedule to this plan, clause 1.7(c).

Note: Rules (t),(u),(y),(z) and (za) have the effect of raising the restricted activity thresholds for activities involving deposition and disturbance within the port zone and as described by the Port Outline Development Plan. All other activities are subject to the normal restricted coastal activity criteria set out in the First Schedule to this plan.

#### **14.2.5 Methods of Implementation - Process**

Without limiting the power of Environment Bay of Plenty to set any other conditions for the purposes of avoiding, remedying or mitigating adverse effects, permissions granted for sand, shell shingle and/or mineral extraction may include all or some of the following conditions:

- the establishment and maintenance of suitable monitoring programmes by the operator in accordance with the directions of Environment Bay of Plenty; and
- a requirement for Environment Bay of Plenty to review the extraction operation annually, with the power to reduce the amounts to be extracted over the subsequent 12 month period if the adverse effects of the activity justify a reduction; and
- a requirement for bonds, environmental compensation, or both.

#### **14.2.6 Methods of Implementation - Advocacy**

14.2.6(a) In consultation with landowners and in collaboration with the Department of Conservation and district councils, Environment Bay of Plenty will promote and encourage the cessation of stock grazing on private land within the coastal marine area by way of education, promotion and where practicable incentives, compensation and/or operational works. This may include the use of environmental plans and farm plans. The information in the maps and the Third Schedule – Areas of Significant Conservation Value, the Sixth Schedule – Significant Marshbird Habitat Areas and the Seventh Schedule – Significant Indigenous Vegetation Areas, will be used as a guide to setting priorities.

14.2.6(b) Environment Bay of Plenty will promote the prohibition of sand, shell shingle and mineral extraction from beach areas and foredunes within the Bay of Plenty.

#### **14.2.7 Methods of Implementation – Information**

Environment Bay of Plenty will continue routine monitoring of beach erosion in order to identify long term trends in local beach dynamics.

## **15.1 Explanation/Principal Reasons**

Reclamations can arise by infilling or impoundment that has the effect of significantly shifting the line of mean high water springs seaward of its natural position. In other words, reclamations exclude the ebb and flow of tides. Reclamations are an activity with the purpose of turning land in the coastal marine area into land outside the coastal marine area.

Large scale infilling of land is an obvious example of reclamation. The use of embankments and tide control structures can also create reclamation without any actual infilling. These two methods of reclamation have commonly been used in the Bay of Plenty to make land for urban, industrial and agricultural purposes.

Other examples of reclamation may be less obvious. For example, infilling to make a causeway on which roads are built is also reclamation.

It is not possible to give a complete inclusive definition of reclamation as this is dependent on the particular facts and circumstances of an activity.

In certain circumstances reclamation may enhance public access to and enjoyment of the coast. Further, depending upon the material used at the reclamation face it may also create a new type of environment to be colonised by marine life previously absent from the area.

However, reclamation may also have considerable adverse attributes, and normally has an irreversible and cumulative effect on the coastal environment. It results in a reduction of the water area of a harbour and may therefore adversely influence flow regimes, tidal hydraulics and flushing capabilities (so increasing siltation).

It may also involve the destruction or modification of coastal wetlands and mangroves. These sorts of habitats are known to be crucial in the life stages of many marine species. In addition, reclamation may adversely affect the natural character of the coastal environment, and will always result in the loss of a part of the coastal marine area from public usage.

The cumulative effects of many small reclamations may be just as adverse as those resulting from singular large scale ones. In some instances the net result may actually be far worse, as it is the piecemeal and incremental events that account for much of the historic reclamations within the Bay of Plenty coastal marine area (in particular the harbours, and especially within Tauranga harbour).

Given all this, it is appropriate that applications for reclamations will generally require firm evidence of need, careful consideration of all other alternatives and full assessment of the impact on natural values and physical processes (including cumulative effects).

Applicants for coastal permits to reclaim foreshore or seabed should note that once they have obtained the permit, they are required to deposit a plan of survey with the Registrar of Deeds. The Minister of Conservation, as representative of the Crown, is responsible for determining the appropriate price (if any) for any right, title or interest in any reclamation which is land of the Crown.

### **15.2.1 Key Issue**

Reclamation can have adverse environmental effects.

### **15.2.2 Objective**

15.2.2(a) Provision for reclamations within the coastal marine area that are either necessary or otherwise appropriate while avoiding, remedying or mitigating any associated adverse environmental effects.

### 15.2.3 Policies

15.2.3(a) Reclamations must not have adverse effects on the ecological values of the Coastal Habitat Preservation Zone.

15.2.3(b) To take a precautionary approach to reclamations within the Coastal Management Zone. The precautionary approach should consider effects on:

- siltation rates;
- flushing of harbours and estuaries;
- the life supporting capacity of harbours and estuaries;
- hydrodynamic, geomorphic and ecological processes.

15.2.3(c) To recognise that reclamation identified in the Eighth Schedule – Outline Development Plan Port of Tauranga 1994-2004, is appropriate in terms of section 6(a) of the Resource Management Act 1991, provided that any adverse effects are avoided, remedied or mitigated.

15.2.3(d) To recognise that reclamation in the Harbour Development Zone may be appropriate provided that it is consistent with the purposes of the Harbour Development Zone described in section 3.3.2(c), no other practicable options exist, and adverse effects are avoided, remedied or mitigated.

15.2.3(e) To discourage the proliferation of new reclamations and encourage the efficient use of existing land and reclamation as alternatives to new reclamations.

15.2.3(f) To recognise that reclamation for the purposes of waste disposal or to create land for activities not dependent on the coastal marine area, is inappropriate.

15.2.3(g) Reclamations must:

- be constructed of inert materials which will not result in contaminants leaching into the coastal marine area; and
- be finished with materials which are compatible with the amenity values, landscape and natural character of the coastal environment in the location; and
- be designed by an engineer to a high standard of structural integrity; and
- not impede the flow of floodwater. 15.2.3(i) To consider the adverse effects and practicality of removing reclamation in comparison to the beneficial effects of removing reclamation.

15.2.4(a) Reclamation for the following purposes is a prohibited activity:

- disposal of dredged material as the primary purpose of the reclamation; or
- extension to or creation of farmland, playing fields, urban, and industrial areas excepting ports, or other marine servicing facilities and storage; or
- carparks as the primary purpose of the reclamation; or
- rubbish disposal, including industrial, horticultural, farm and household.

15.2.4(b) Any reclamation not expressly provided for or prohibited by the other rules of this plan, is a discretionary activity.

15.2.4(c) Removal of reclamation is a discretionary activity.

#### Coastal Habitat Preservation Zone

15.2.4(d) Reclamation is a prohibited activity in the Coastal Habitat Preservation Zone, except for reclamation which occurred before 27 January 1995.

## **Port Zone**

15.2.4(e) Reclamation for the activities listed below, as expressly described in the Eighth Schedule to this plan:

- construction of the Sulphur Point Wharf Extension North,
- construction of the Sulphur Point Wharf Extension South,
- construction of the Mt Maunganui Wharf Extension South between the existing Mt Maunganui Wharf and the southern face of the petrochemical wharf: is a non-notified limited discretionary activity. Environment Bay of Plenty restricts the exercise of its discretion to the following matters:
  - the material, area, quantity, location and timing of reclamation,
  - effects on the hydrodynamic and geomorphic regime of the harbour,
  - coastal water quality including the provisions of chapter 9 – Coastal Discharges and the Thirteenth Schedule to this plan,
  - effects on other harbour users, navigation and public safety during construction,
  - site specific historical or cultural values,
  - the review of conditions and the timing and purpose of that review,
  - the amount and type of any financial contribution,
  - compliance monitoring, Applications will be considered without the need to obtain the written approval of affected persons.

## **Restricted Coastal Activities -Port Zone**

15.2.4(f) Any reclamation covered by rules 15.2.4(b) and 15.2.4(e), and expressly described in the Eighth Schedule to this plan:

- that is less than or equal to 2 hectares, and
- extends no more than 300 metres in any direction (or which is an incremental reclamation connected to, or part of, another reclamation which was commenced or received a resource consent after 5 May 1994, and the sum of the existing and proposed reclamations are within these dimensions): is not a restricted coastal activity.

Note: This provision raises the restricted activity thresholds for activities involving reclamation within the port zone and as described by the Port Outline Development Plan. All other activities are subject to the normal restricted coastal activity criteria set out in the First Schedule to this plan.

## **Restricted Coastal Activities - All Zones**

15.2.4(g) Except as expressly provided for in 15.2.4(f), any reclamation that exceeds the thresholds specified in clause 1.1(a) of the First Schedule to this plan – Restricted Coastal Activities is a discretionary restricted coastal activity for which the Minister of Conservation is the consent authority in accordance with clause 1.1(c).

15.2.5(a) Monitor general sediment accumulation in the Tauranga and Ohiwa Harbours.

1.2.5(b) Maintain a database of reclamations in harbours and estuaries which records:

- site details;
- legal status;
- potential for restoration. and use this information to assess existing reclamations and assist in harbour restoration.

15.2.5(c) Where appropriate, send to Land Information New Zealand, a copy of any approved coastal permit, in accordance with section 114(2) of the Resource Management Act 1991.

15.2.5(d) Forward copies of coastal permit applications to the Director Maritime Safety, in accordance with section 395 of the Resource Management Act 1991.

## **16.1 Explanation/Principal Reasons**

Exotic plants or animals are those that do not naturally occur in New Zealand. Exotic species already in New Zealand are often referred to as introduced species. Indigenous plant or animal species are those that occur naturally in New Zealand, i.e. they evolved or arrived in New Zealand without human assistance or intervention. This chapter is concerned only with exotic species, not indigenous species.

The introduction of exotic species into New Zealand can have significant effects on ecosystems and associated economies. It has become a major environmental issue. Legislative control applies at different levels.

The initial introduction of new exotic species into New Zealand is controlled by Central Government under the Hazardous Substances and New Organisms Act 1996 (HSN096). New exotic species cannot be introduced into New Zealand without first gaining authorisation under this Act. However, if authorisation is obtained there are no further controls placed on the distribution of a species once it has been introduced into New Zealand. Likewise HSN096 does not apply to exotic species that have already been introduced into New Zealand.

The Biosecurity Act 1993 (as amended in 1997) provides for Central Government border control of the introduction of new organisms into New Zealand. This function is relevant to the introduction of new species in the ballast water of vessels and is currently implemented by the Ministry of Fisheries (refer to chapter 10). The Biosecurity Act also addresses the physical control of previously introduced species which have been declared to be pests. This function is implemented by Environment Bay of Plenty through regional pest management strategies.

There are two pest strategies. One deals with plant pests and the other with animal pests. These are the principal method for addressing existing pest problems. The pest strategies include controls on the sale, propagation, keeping or distribution of pests, in addition to setting out responsibilities for control of existing infestations.

Section 12 of the Resource Management Act also regulates the planting or introduction of exotic plants into the foreshore or seabed. To date the only known exotic plant pest of significance in the coastal marine area is *Spartina* (*Spartina* spp), but other exotic or introduced plant species have the potential for serious adverse effects on marine and estuarine ecosystems.

*Spartina* is an aggressive estuarine grass, which spreads as a dense mat and takes over large areas of foreshore. It works as a very effective sediment trap, and gradually builds up the foreshore until it is no longer subject to the tide. In this way growth of *Spartina* reclaims land from the coastal marine area. This combination of dense growth and reclaiming action rapidly destroys the pre-existing estuarine ecosystem. In the past *Spartina* was used in some instances as a buffer against wave action on erosion prone areas, but it has spread rapidly.

Prohibition of new plantings of *Spartina* is appropriate given its serious adverse effect. This approach is consistent with that taken in the Plant Pest Management Strategy which focuses on containment and eventual eradication of *Spartina* from the Bay of Plenty.

### **16.2.1 Key Issue**

The inappropriate introduction of exotic plants or animals to the coastal marine area can adversely affect the environment, including the loss of habitat and foreshore.

## 16.2.2 Objective

To avoid, remedy or mitigate the adverse effects of exotic plants or animals introduced into the coastal environment.

16.2.3(a) To recognise that the introduction of exotic plants into the Coastal Habitat Preservation Zone is inappropriate.

16.2.3(b) To provide for the introduction of exotic plants (other than *Spartina*) into the Coastal Management Zone only in appropriate places and circumstances.

16.2.3(c) To promote the eradication of *Spartina*.

16.2.3(d) If eradication of *Spartina* is likely to result in erosion, consideration should be given to:

- replacement with native species appropriate to the location as a first preference, or
- replacement with exotic species, subject to rule 16.2.4(d). Replacement should be undertaken by the landowner or agency which eradicated the *Spartina*.

16.2.3(e) To avoid, remedy or mitigate the adverse environmental effects associated with the introduction of exotic plants or animals to the coastal marine area.

16.2.3(f) The introduction of exotic plants to the coastal environment should be avoided where the introduction of those plants could have significant adverse effects on:

- landscape values;
- natural character;
- the functioning of natural ecosystems;
- the functioning of geophysical processes which form and maintain estuaries and the coastal foredune.

16.2.3(g) A precautionary approach will be taken to the introduction of species not already present in the coastal marine area of the region.

16.2.4(a) Notwithstanding rule 16.2.4(d), the introduction of exotic plant species into the Coastal Habitat Preservation Zone is a prohibited activity.

### Coastal Marine Area (All Zones)

16.2.4(b) The introduction or spreading of *Spartina* into the coastal marine area is a prohibited activity.

16.2.4(c) The eradication or control of *Spartina* by mechanical harvesting is a prohibited activity.

16.2.4(d) The introduction of exotic plant species other than *Spartina* into the coastal marine area is a discretionary activity provided that the species is already present in the area of the intended introduction.

### Restricted Coastal Activities

16.2.4(e) Any activity involving the introduction of any exotic plant species to the coastal marine area that is not already present in the area is a discretionary restricted coastal activity (for which the Minister of Conservation is the consent authority) in accordance with clause 1.8 of the First Schedule to this plan.

### **16.2.5 Methods of Implementation – Process**

In accordance with method 16.2.4(d) without limiting its powers to recommend any other conditions for the purposes of avoiding, remedying or mitigating adverse environmental effects, recommendations to the Minister to permit the experimental introduction of exotic plants for trial purposes may include all or some of the following conditions:

- appropriate measures to ensure as far as practicable that the species will be contained within the trial area; and
- the establishment and maintenance of suitable monitoring programmes by the operator in accordance with the directions of Environment Bay of Plenty; and
- requirements for bonds of a sufficient amount to ensure eradication if the species should escape.

### **16.2.6 Methods of Implementation – Services**

The eradication of *Spartina* will be promoted in accordance with the pest management strategies prepared under the Biosecurity Act 1993.

### **16.2.7 Methods of Implementation - Information**

Environment Bay of Plenty will provide information as to the most efficient and effective methods to eradicate *Spartina* using non-mechanical means.

## Proposed Gisborne Regional Coastal Environment Plan

### **3.1.2 A**

There are several existing coastal communities. The use and enjoyment of the Coastal Environment by people and communities means that it is necessary to make appropriate provision for the continued use of existing structures.

### **3.1.2 B**

The location of some structures in the Coastal Environment is necessary. Such structures currently provide for services, recreation, aquaculture and other forms of use, development and protection. Without provision for certain types of structures in the Coastal Environment, activities associated with them would be restricted.

### **3.1.2 C**

The visual obtrusiveness of many structures has the potential to reduce values associated with the natural character, amenity and visual quality of the Coastal Environment. It is important that the natural character and amenity of the Coastal Environment is maintained or enhanced, yet it is also important that appropriate development is not constrained by inappropriate rules or other methods.

### **3.1.2 D**

Structures located within the Coastal Environment have a potential to adversely affect processes and organisms characteristic of the coast and fundamental to the maintenance of important life-supporting functions. As well as natural character, vulnerable habitats and ecosystems need to be protected; particularly when adverse effects on these can go unnoticed.

### **3.1.2E**

Structures within the Coastal Environment can limit public access to the coastal marine area. There is a need to ensure that measures are taken to avoid, remedy or mitigate this potential adverse effect.

### **3.1.2F**

The location of structures, processes associated with structures or activities on structures can adversely affect spiritual, cultural and heritage values associated with the Coastal Environment. It is important that structures located in the Coastal Environment are located sensitively and that consultation with the appropriate guardians of spiritual, cultural or heritage values leads to informed and sensible decisions in this respect.

### **3.1.2 G**

Structures within the Coastal Environment are particularly prone to the adverse effects of physical processes associated with the coast. How to avoid the adverse

effects of natural processes on structures is an important issue within the Gisborne District.

### **3.1.2 H**

Structures within the Coastal Environment have a potential to adversely affect physical processes associated with the coast. In many instances the cumulative effects of structures can be serious. Because physical processes frequently impact upon ecological processes, and are in their own right important elements in sustainable management, dealing with the adverse effects of structure effects on physical processes is an important issue.

### **3.1.2 I**

Almost all land in the Coastal Marine Area is owned by the Crown, and there is no "market" operating in the buying and selling of Coastal Marine Area land. Because the dollar value of space in the CMA is therefore difficult to determine readily, and also because there is a history of coastal users expecting free occupation, the occupation charges have traditionally been minimal. Peppercorn rentals create the potential for the costs of inefficient structures to be born by the community, as well as the operator of those structures.

### **3.1.2 J**

Structures located in the Coastal Environment frequently provide opportunities for people to move over the Coastal Environment and are frequently located in the CMA. The safety of people using structures is an important consideration.

### **3.1.3 A**

Provision is made for appropriate structures in the CMA provided that any adverse effects on the environment arising from the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects are mitigated and provision made for remedying those effects, to the extent practicable.

**Principal reason:** This is a requirement of the Second Schedule of the RMA. Whereas use development and protection landward of MHWS is permitted unless a rule in a plan states otherwise, this is not the case seaward of this line.

### **3.1.3 B**

Appropriate structures are located and built in such a way so as to provide for the preservation and where appropriate, enhancement<sup>1</sup> of the natural character of the Gisborne Coastal Environment.

**Principal reason:** The Resource Management Act requires as a matter of national importance the preservation of the natural character of the Coastal

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<sup>1</sup> Port Gisborne Consent Order 742/00

Environment and its protection from inappropriate subdivision, use and development<sup>2</sup>. This requirement is reflected in the NZCPS and implemented through policies and methods stemming from this objective.

### **3.1.3 C**

Maintenance or enhancement of the diversity of aquatic life adjacent to, or otherwise affected by, structures in the Gisborne Coastal Environment.

**Principal reason:** Biological diversity is a good indicator of the health of ecosystems; itself an important component of the natural character of the Coastal Environment. This objective implements in part policy 1.1.4 of the NZCPS and reflects a desire to maintain or improve threatened environmental values. This objective is needed to provide a basis for defining methods which constrain those structures which are needed to parameters necessary to achieve sustainable management.

### **3.1.3 D**

No reduction in the level and quality of access the public have to and along the Coastal Marine Area as a consequence of structures located in the Coastal Environment and, where appropriate, enhanced levels of access.

**Principal reason:** The RMA requires as a matter of national importance the maintenance and enhancement of access to the Coastal Marine Area. Policy 3.5 of the NZCPS reflects this fact.

### **3.1.3 E**

Management of any structures with cultural, spiritual or heritage value or structures located in sites or areas of cultural, spiritual or heritage value, in the Coastal Environment, which is consistent with the values of the guardians or kaitiaki of those values and appropriate given the principles of the Treaty of Waitangi.

**Principal reason:** The RMA requires as a matter of national importance recognition of the relationship of Maori and their culture to natural and physical resources. The Act also requires that regard be had to the protection of heritage values associated with some buildings and sites. In implementing the Act the principles of the Treaty of Waitangi are required to be taken into account. These requirements are reflected throughout the NZCPS.

### **3.1.3 F**

Avoidance of damage to structures from physical coastal processes or events.

**Principal reason:** Damage to structures in the Coastal Environment can occur during storm and other episodic events. Persistent erosion at the interface between land and sea is another common threat to property. The social cost of these processes is often high; this objective seeks to minimise this cost on the community. The RMA and NZCPS require that the adverse effects of coastal hazards be avoided. In avoiding the potential adverse effects of damage the

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<sup>2</sup> Port Gisborne Consent Order 742/00

potential for sea level rises as a consequence of global warming must be taken into account.

### **3.1.3G**

Avoidance of adverse effects on the environment, including the adverse effect of preventing the natural migration of coastal systems such as dunes and wetlands which occurs as a result of dynamic coastal processes, as a result of the placement of structures where they may interfere in the dynamic processes of the coast and as a result of changes in the rate of coastal erosion or accretion caused by structures.

**Principal reason:** The Gisborne Coastline is relatively new in geological terms. One of the more important effects structures located within the Coastal Marine Area can have is modifying processes of sediment transportation and deposition. This can result in a worsening of a problem for which a structure may have been intended to resolve or could cause the unexpected erosion of sites associated with or adjacent to an unrelated structure. The effects of changes to physical processes can be serious if life or property is threatened.

### **3.1.3 H**

The efficient use and development of finite resources of the Coastal Environment.

**Principal reason:** Notwithstanding the need to provide for certain structures the coastal marine environment is particularly sensitive to their effects. Structures inevitably reduce open space, values associated with natural character and often modify natural processes. The Resource Management Act requires particular regard be had of the efficient use of resources in the Coastal Environment and directs development towards “appropriate” ends.

This objective seeks to ensure both those purposes are met and directs monitoring efforts towards measuring elements of efficiency such as increased usage of structures, greater user satisfaction of structure users and ultimately maximum utility within a sustainable bottom line.

### **3.1.3 I**

A high level of safety associated with structures located in the Coastal Environment.

**Principal reason:** The RMA defines sustainable management as management which provides for use, development etc. and enables people to provide for their ...health and safety while ... avoiding, remedying or mitigating any adverse effects of activities on the environment. Environment includes values associated with personal wellbeing and undeniably poor safety standards should be avoided where possible.

### **3.1.3 J**

Maintained or enhanced levels of amenity value through allowing only appropriate development in the Coastal Environment.

**Principal reason:** The RMA requires particular regard be had of “the maintenance and enhancement of amenity values”. The exercise of an overall judgement between providing for amenity in the Coastal Environment and the adverse effects this can have on natural values is an important issue in implementing this plan.

#### **3.1.4A**

To recognise that within the Coastal Environment different areas have distinct natural character and amenity value and to ensure that applications for consents for structures within the Coastal Environment include adequate measures to avoid, remedy or mitigate any adverse effects on natural character and amenity values. (Ref: 3.1.3 B , 3.1.3 C).

**Explanation:** The purpose of this policy is to direct (primarily Council discretion) towards recognising natural character and amenity even where these might not be readily identified. The choice of the word “distinct” is in order to ensure that not only wilderness areas or highly developed amenities are targeted for scrutiny but that the coast is recognised as comprising a spectrum of these values and that the recognition of this spectrum is important.

**Principal reason:** The RMA requires the preservation of the natural character of the environment and the maintenance and enhancement of amenity values. The NZCPS requires the same. This policy ensures avoidance, remedy or mitigation of effects - important if the Acts purpose is to be achieved.

#### **3.1.4B**

To provide for the maintenance and upkeep of structures located in the Coastal Environment. To avoid, remedy or mitigate the effects of maintenance and upkeep. (Ref: Obj. 3.1.3 A, 3.1.3 B).

**Explanation:** The purpose of this policy is to provide a basis for allowing but controlling the maintenance of structures. This policy is considered important and necessary given the harsh Coastal Environment and is stated in two parts to alert decision makers of the potential adverse effects of maintenance.

**Principal reason:** Structures will deteriorate in the Coastal Environment. Deterioration threatens human safety, could reduce amenity, could affect cultural values and so on. Maintenance itself can be a threat to sustainable management.

#### **3.1.4C**

To ensure that no inappropriate proliferation or sprawl of structures within the Coastal Environment occurs by:

- encouraging appropriate subdivision, use and development in areas that are already developed; and
- fully assessing the effects of subdivision, use and development on natural character values; and
- avoiding the cumulative effects of subdivision, use and development; particularly in respect of adverse effects on the finite characteristics of open space. (Ref Obj. 3.1.3B, 3.1.3 C, 3.1.3H).

**Explanation:** The purpose of this policy is to implement policy 1.1.1 of the NZCPS which consists of three parts related to encouraging appropriate subdivision, use and development, assessing the effects of subdivision, use and development and the avoidance of cumulative effects arising from subdivision, use and development.

**Principal reason:** This policy is consistent with the NZCPS and recognises that natural character, including open space is valuable in the Coastal Environment.

#### **3.1.4D**

To recognise the appropriateness of Papakainga housing and marae housing developments within the Coastal Environment where there is no significant adverse effect on the environment (Ref: Obj. 3.1.3 E).

**Explanation:** The purpose of this policy is to implement policy 3.2.6 of the NZCPS and to provide for Papakainga and marae housing within sustainable bounds.

**Principal reason:** This is consistent with the NZCPS - itself a reflection of the RMA.

#### **3.1.4E**

Council and Consent Authorities should make provision for new structures in the CMA where it can reasonably be demonstrated that such structures are:

- a) Reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the new structure in the CMA exists; and
- b) Any new structure is consistent with the Objectives and Policies of this Plan.

Provided that adverse effects on the environment arising from the new structure are, as far as practicable, avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.

When considering what is reasonably necessary to provide for the lawful exercise of any activity Council and Consent Authorities shall consider:

1. The extent to which the structure restricts the exercise of other lawful activities or public access into or through the area in which the structure is to be located.
2. The level of security required to ensure the safe and efficient exercise of the activity for which the structure is required. (Ref: Obj. 3.1.3C, 3.1.3H).

**Explanation:** This policy states that Council should provide for new structures in the CMA provided certain conditions are met. The identification of “practicable alternatives” requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the

environment will be adverse and can be avoided, remedied or mitigated in accordance with Policy 3.2.2 of the NZCPS. A “practicable alternative” may, in some circumstances, be one that is more expensive but with fewer or no adverse effects on the environment.

**Principal reason:** The CMA is unique in its virtual exclusion from major development. The RMA establishes its natural character as very important and this rule is fundamental to ensuring that development does not compromise that value without sound reason.

#### **3.1.4F**

Council and Consent Authorities should promote the maximum use of existing network utility corridors for network utility related activities that must locate in the Coastal Marine Area. (Ref: Obj. 3.1.3C, 3.1.3H).

**Explanation:** The promotion of the efficient use of existing network utility corridors in the Coastal Marine Area by maximising their potential to accommodate new network utility structures will ensure that Policy 1.1.1 of the New Zealand Coastal Policy Statement is given effect to while ensuring that such structures are provided for as appropriate within the Coastal Marine Area.

**Principal reason:** This Policy is consistent with Policy 1.1.1 of the NZCPS and Section 7(b) of the Resource Management Act 1991. It will ensure that sprawling and sporadic development will not occur as a result of the introduction of new network utility services and it will promote the efficient use of natural and physical resources.

#### **3.1.4G**

To achieve efficiencies in the utilisation of existing structures within the Coastal Marine Area by ensuring that no new structures are allowed in the CMA while modification or addition to an existing structure or structures can be made and will achieve the purpose of the required new structure with the same or less adverse effect. (Ref: Obj 3.1.3 B, 3.1.3 C, 3.1.3 H).

**Explanation:** This policy is designed to focus on reducing the adverse effects of the redundancy of existing structures and also to achieve efficiency in the development of new ones.

**Principal reason:** This is tied very closely with 7b of the RMA. It is considered inefficient if a new structure is established where an existing one could better meet the purposes of the RMA.

#### **3.1.4H**

To ensure that, where a structure locates in the CMA and results in adverse effects on the environment that are not able to be avoided, remedied or mitigated<sup>3</sup>, the structure remains within the CMA only so long as is necessary to achieve the purpose for which it was established. This policy will be implemented in part by monitoring the exercise of resource consents and cancelling those that are not

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<sup>3</sup> Port Gisborne Consent Order 742/00

exercised for a continuous period of at least two years. To encourage the removal of structures which are obsolete, illegal or unused (Ref: Obj. 3.1.3 B, 3.1.3 C).

**Explanation:** The purpose of this policy is to direct decision makers and applicants to the fact that occupation of the CMA by a structure “in absentia” is not regarded as sustainable. This Policy ensures that, where appropriate, abandoned or redundant structures are removed from the coastal marine area, in a manner consistent with Policy 4.1.3 of the NZCPS.

**Principal reason:** Will rationalise the use of structures in the CMA, will eventually result in efficient use of CMA and minimal impact on natural character.

#### **3.1.4I**

To avoid, remedy or mitigate any adverse effects of structures in the Coastal Environment on processes necessary to sustain the diversity of organisms within biological communities and of communities within the Coastal Marine Area. (Ref: Obj. 3.1.3 C).

**Explanation:** This policy is aimed at focusing attention on two issues that effects do not necessarily impact upon values immediately and that diversity is a good indicator of the health of a living system.

**Principal reason:** This policy was thought necessary in order to preserve ecosystems. Its wording reflects an ecosystem approach to sustainable management - rather than focusing on specific elements of s5(2)(b) of the RMA.

#### **3.1.4J**

To take a precautionary approach in assessing the effects of structures on the environment. (Ref: Obj. 3.1.3 B, 3.1.3 C).

**Explanation:** The purpose of this policy is to complement NZCPS policy 3.3.1. A precautionary approach means that where doubt exists as to the effects of an activity the consent authority should make a decision where any benefits fall on the side of preserving the environment

**Principal reason:** This policy is required in order to be not inconsistent with the NZCPS.

#### **3.1.4K**

To maintain or enhance existing levels of public access to and along the coast or, where a specific reduction in public access is unavoidable, to avoid, remedy or mitigate the adverse effects of that reduction. To require all new structures, or consents for existing structures, in the CMA to provide for public access across them unless restriction is necessary:

- to protect public health or safety; or
- to protect Maori cultural values; or
- there is a specific operational requirement to exclude the public. (Ref: Obj. 3.1.3 D).

**Explanation:** The purpose of this policy is to provide for access to and along the CMA (RMA 6(d)). This policy reflects desires of the NZCPS policy 3.5.1.

**Principal reason:** This is consistent with both the NZCPS and RMA. The issue of access is topical and an important element in respect of managing the effects of structures located in the Coastal Environment.

#### **3.1.4L**

To ensure structures are not located on sites of cultural, conservation or historical significance as identified by this Plan, unless it can be demonstrated that the adverse effects of locating there are minor. To ensure that structures do not locate where they will adversely affect values in a protection management area. (Ref: Obj. 3.1.3E).

**Explanation:** This policy is in response to objective 3.1.3 E and its issue. The reason for this is to ensure the provisions of the Act are met in respect of s6(e), 7(a) and s8. In particular it requires protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga

**Principal reason:** The protection of cultural values and special sites are closely linked and need recognition in a policy.

#### **3.1.4M**

To ensure that the heritage values associated with existing structures in the Coastal Environment are protected where appropriate. (Ref: Obj. 3.1.3E).

**Explanation:** This policy seeks to protect the heritage values of existing structures.

**Principal reason:** Heritage values are provided for in the RMA. The Gisborne coastline is rich in maritime history and these values should be protected.

#### **3.1.4N**

To ensure that new structures are designed, located and managed in a way that avoids threats to them from coastal processes. Where appropriate, to ensure that the design, location and management of structures located in or adjacent to the Coastal Marine Area takes into account the most recent Inter-Governmental Panel on Climate Change (IPCC) “best estimate” for sea level rise (Ref: Obj. 3.1.3F).

**Explanation:** This policy seeks to ensure that consideration is given to the way hazards may impact upon structures. It is envisaged that the policy will be implemented at the project design level.

**Principal reason:** The NZCPS requires new subdivision and use to be located to avoid hazards. This policy reflects that requirement and also the potential for sea level rise. Policy 3.4.2 of the NZCPS states that policy statements and plans “should recognise the potential for sea level rises ...”.

### 3.1.4O

To ensure that structures are designed, located and managed in a manner that avoids any adverse effects they might have on existing physical coastal processes as far as practicable. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable. (Ref: Obj. 3.1.3 G).

**Explanation:** The purpose of this policy is to ensure that regard is had of the fact that structures can dramatically change the way coastal processes affect other structures and the rest of the environment.

**Principal reason:** Principal 10 of the NZCPS states that “it is important to maintain biological and physical processes in the Coastal Environment in as natural a condition as possible and to recognise their dynamic and interdependent nature”. This is also consistent with Policy 1.1.4 of the NZCPS.

### 3.1.4P

To ensure that structures located within the Coastal Environment comply fully with provisions of the Building Act, 1991.

**Explanation:** This policy simply advises of a legal requirement. Its purpose is to inform applicants and decision makers that the requirement exists.

**Principal reason:** To provide information where it is felt that an absence could seriously inconvenience applicants.

### 3.1.4Q

To recognise the potential impacts that natural hazards have on the existing subdivision, use or development in the Coastal Environment and to provide for the mitigation of these adverse effects by providing for coastal protection works only where coastal protection works can be shown to be the best method for preventing or minimising adverse effects on the environment having regard, among other things, to the sensitivity of the surrounding environment, the effects of the protection work when combined with other options, and the current state of technical knowledge and the likelihood that the option can be successfully applied.<sup>4</sup>

**Explanation:** The purpose of this policy is to reflect the NZCPS and indicate the matters to which regard must be given when considering the option of protection works in the Coastal Environment.<sup>5</sup>

**Principal reason:** Policy 3.4.6 of the NZCPS requires that coastal protection works be permitted only where they can show an assessment of the options available and the associated environmental effects.<sup>6</sup> This policy is consistent with that requirement.

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<sup>4</sup> Port Gisborne Consent Order 742/00

<sup>5</sup> Port Gisborne Consent Order 742/00

<sup>6</sup> Port Gisborne Consent Order 742/00

### 3.1.4R

To ensure that structures do not pose a risk to coastal navigation and shipping by ensuring that the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy are advised upon granting a coastal permit for a structure in the CMA and also upon completion of work for that structure. To require conditions on all structures that the applicant advise the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy as soon as construction, erection or modification of a structure is complete.

**Explanation:** This policy reflects requirements of the NZCPS and also the expressed requirements of these two authorities mentioned in the policy. Details of the information to be supplied are contained in the information requirements section of this plan.

**Principal reason:** This policy is consistent with the NZCPS and reflects the desires of the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy.

### 3.1.4S

To ensure that coastal amenity is not adversely affected by activities associated with wharves and marinas and to require applicants for consents or plan changes within wharves, boatyards and marinas to provide:

- Adequate and convenient facilities for disposal of rubbish; and
- For applicants for consents or plan changes within boatyards and marinas:
- Facilities for the collection and appropriate disposal of residues from vessel maintenance; and
- For applicants for consents or plan changes to establish new ports and marinas:
- Adequate and convenient facilities to collect sewage from ships.

Where practicable, rubbish disposal and ship sewage collection facilities should be designed so that they are compatible with and able to be used by self contained vehicles that comply with New Zealand Standard 5465:1990.

**Explanation:** Wharves and marinas are discretionary or non-complying structures. The development of these structures will be controlled by policies. This policy reflects the intentions of policies 5.2.1 to 5.2.3 of the NZCPS.

**Principal reason:** This policy is required to ensure consistency with the NZCPS.

### 3.1.5A

GDC will establish a database of existing lawful and unlawful structures which will be updated as new structures are approved within the Coastal Marine Area. Processes will be initiated to legalise unlawful structures by 1998.

**Principal reason:** To achieve proper monitoring of structures in the Gisborne Region it is considered necessary to have and maintain an accurate record of all structures in the Coastal Marine Area.

### **3.1.5B**

GDC may require unlawful structures to be removed by the owner or will remove unlawful structures itself. Where an owner cannot be found the GDC will remove illegal structures at its own or the Crown's expense. Structures will not be removed where removal will have adverse effects greater than retaining the structure.

**Principal reason:** This method regularises within a specific time frame unlawful structures that currently exist, recognising that some of them are useful and should remain in order to meet the purpose of the Resource Management Act (1991).

### **3.1.5C**

GDC will advise the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy of all consents granted for structures or reclamations in the CMA.

**Principal reason:** The Hydrographic Office prepares navigation and marine charts commonly used by most skippers of vessels and other professional maritime operators. These people and organisations should be aware of structures in the Coastal Marine Area.

**Note:** Activities in respect of structures not documented within the General Rules, Protection management Area, General Management Area or Port Management Area sections are non-complying. In respect of these a resource consent must be obtained.

### **3.1.6**

Monitoring Structure Effects and Plan Effectiveness in Respect of Objectives for Structures in the Coastal Environment

#### **Purpose of this Section**

s35 of the Act requires every local authority to gather information as is necessary to carry out its functions under the Act. Special mention is made in s35 of the need to monitor the state of the environment and the suitability of provisions of any policy statement or plan.

In order to satisfy the requirements of the Act it is necessary to monitor performance against criteria set in the Act. Since these are reflected in Objectives set in this section of this plan, the achievement or otherwise of plan Objectives is an important component of monitoring.

A second element of monitoring is in respect of the exercise of resource consents. Most resource consents contain conditions or are permitted subject to conditions. Conditions are set to ensure sustainable management occurs, and monitoring of these conditions is important if the purpose of the Act is to be achieved.

This monitoring system will result in an audit report every two years. The report will collate the results of plan monitoring into a single document with recommendations in respect of plan provisions. The audit report will give effect to plan monitoring effort by providing a transparent and publicly digestible report as a basis for future plan changes.

## **Monitoring the Achievement of Plan Objectives**

### **A. Identifying the Appropriateness and Adequacy of Structures**

#### **Method**

Two yearly studies of the satisfaction of coastal users with structures available within the Coastal Environment for their amenity. Monitoring the safety of structures and their impact on navigation.

#### **Indicators**

- (a) The frequency of usage of amenity structures.
- (b) Identification of inadequacies in the provision of amenity structures.
- (c) Trends in accidents associated with structures or complaints related to safety.
- (d) Trends in navigation incidents/ complaints.

### **B. Monitoring the state of natural character in the Gisborne Region**

#### **Method**

Two yearly studies of community perceptions of Natural Character of the Coastal Environment in the Gisborne district.

#### **Indicators**

Identification of the relative usage of coastal resources and the classification of consumer preference into standard criteria which reflect:

- (a) Features of the site/ resource
- (b) Barriers to utilising the resource.
- (c) The magnitude of satisfaction with experiences at the site.
- (d) A consumer rating for defined elements of natural character.
- (e) Elements that detract from natural character.

### **C. Identification at the local scale of changes to ecosystems**

#### **Method**

Conditions may be imposed on resource consents for new structures in the CMA to assess prior to erection and at further times to be determined thereafter, in accordance with the likely adverse effects the structure may have on ecosystems and the structure of benthic communities on and adjacent to the structure.

Note: Such an assessment will be required at a level necessary to reflect the likelihood of the structure having adverse effects on ecosystems.

#### **Indicators**

- (a) Biomass (units as appropriate)
- (b) Identification and enumeration of Molluscs
- (c) Identification and enumeration of Invertebrate worms
- (d) Identification of major algae and weeds.

#### **D. Documentation of the rate of usage of structures for public access**

##### **Method**

Either surveys in conjunction with the “satisfaction with amenity” surveys or maintenance of site specific access registers (whichever is most appropriate given the individual circumstances).

##### **Indicators**

- (a) Site usage measured in people/day.

#### **E. Identification of the extent of tangata whenua satisfaction with the management of structures in the Gisborne District.**

##### **Method**

The Gisborne District Council will maintain an open file for recording tangata whenua comments and will, where appropriate, develop standard techniques for documenting trends in satisfaction. Where practical the Council will survey Iwi in order to assess their preferences.

##### **Indicators**

Developing suitable indicators depends upon the evolution of identifiable trends as consultation with tangata whenua occurs. Until such a time as these trends become apparent surveying will rely on qualitative tools for developing survey results.

#### **F. Identification of the effects of structures on natural coastal processes and of those processes on structures**

##### **Methods**

Monitoring site-specific rates of coastal erosion and accretion. Maintaining an active file on the health of and threats to structures located in the active coastal zone of the Coastal Environment. Active coastal zone is defined as that area from the territorial 12 nautical mile limit to the back of the permanent foredune, or where there is no foredune, to the landward edge of the Coastal Marine Area.<sup>7</sup>

Information directly relating to a structure in the Coastal Marine area may be collected as a condition of a consent; that which is associated with a structure in the active coastal zone will be collected as part of Councils ongoing monitoring program.

##### **Indicators**

- (a) Rates of coastal erosion and accretion.
- (b) Rate of deterioration or increase in threat to structures.
- (c) Cross tabulation of (a) and (b) with new structures or the removal of old structures.

#### **G. Assessing the exercise of resource consents**

##### **Methods**

Random and unannounced surveys by compliance officers and the checking of condition compliance against the appropriate charts and maps.

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<sup>7</sup> Port Gisborne Consent Order 742/00

Identification of illegal structures through methods identified in this plan.

Developing community awareness and encouraging the reporting of illegal practises.

#### **Indicators**

- (a) Identified rates of non-compliance.
- (b) Documentation of illegal structures.
- (c) Successful compliance exercises.

#### **4.3.6A**

Notwithstanding any rule for a permitted or controlled activity in this chapter of this plan, any activity associated with the construction, placement erection, modification, demolition or replacement of any structure that occurs in any area of the Coastal Marine Area marked on the map in Appendix 2 of this Plan as a site which is culturally sensitive to that type of activity (as recognised by tangata whenua)<sup>8</sup> is a **discretionary activity** with, in addition to any standards and terms specified for that activity, the following standards and terms:

##### Standards and terms

- a) Contaminants are not disposed of into the Coastal Marine Area.
- b) There is no adverse effect on public safety and navigation safety.
- c) The activity results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.

##### Council controls will include:

- Structure siting; and
- The timing and duration of activities associated with the structure; and
- Disposal of material on or away from the site; and
- The duration of any Resource Consent; and
- Conditions relating to monitoring the effects of the activity; and
- The provision of photographic evidence upon completion of the activity; and
- The extent to which the structure has an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- Requiring rentals or bonds as specified elsewhere in this plan.

**Explanation:** This rule captures activities which might have an impact on cultural values and requires that they be treated as discretionary<sup>9</sup> activities with tight terms and conditions. Implicit in this rule is that all applicants for new structures or significant alteration or demolition of existing structures will consult with tangata whenua.

**Principal reason:** Many permitted and controlled activities do not contain a standard/term related to tangata whenua cultural values and hence could be permitted without reference to tangata whenua. This could result in adverse effects

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<sup>8</sup> Huaguang Forest Consent order 749/00

<sup>9</sup> Huaguang Forest Consent order 749/00

on cultural sites and values. The consent authority will consult with tangata whenua in the consideration of any specific resource consent application and will encourage applicants for a resource consent to similarly consult with tangata whenua, as a matter of good practice. The consultation process should be initiated as soon as practicable.<sup>10</sup>

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.3.8, Chapter 4.6, Chapter 4.7**

NAVIGATION AIDS

#### **4.3.6B**

The construction, placement, erection, modification or replacement of floating navigational buoys within the Coastal Marine Area or within coastal water is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) The New Zealand Maritime Safety Authority and the Hydrographic Office are notified of the proposal to erect the structure and are notified of completion of work on the structure.
- d) The Gisborne District Council has been notified in writing of the structure.

In the event of conditions a), b) and d) not being met the activity is a discretionary activity. In the event of condition c) not being met the activity is a controlled activity with Council restricting its control to setting conditions on the consent requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

#### **4.3.6C**

The construction, placement, erection, modification or replacement of fixed (non floating) navigational aids within the Coastal Marine Area is a **discretionary activity**.

**Principal reason:** (policies B & C): Floating navigational aids are regarded as low impact except in the Protection Management Area where the visual impacts may be unacceptable. Non floating navigational aids can have significant adverse effects on biota and visual amenity and are thus treated as discretionary activities.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.3.8, Chapter 4.6, Chapter 4.7**

PLACEMENT OF TEMPORARY MAIMAIS AND WHITEBAIT STANDS

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<sup>10</sup> Huaguang Forest Consent order 749/00

#### 4.3.6D

The erection or placement of a temporary maimai or whitebait stand in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

In respect of all maimais and whitebait stands located in the Coastal Marine Area:

- a) The structure has a maximum size of four square meters.
- b) The structure is open piled; and in the case of a maimai:
- c) the structure is at least 90 meters from any neighbouring structure, tide gate, floodgate, confluence or culvert.
- d) the structure is only present between April 1 and July 31 of any one year.
- e) Prior written notice of the erection or placement is given to the Consent Authority. In the case of a whitebait stand:
- f) the structure is at least 20 meters from any neighbouring structure, tide gate, floodgate, confluence or culvert.
- g) The structure is only present between 15 July and December 30 of any one year.
- h) Prior written notice of the erection or placement is given to the Gisborne District Council.

(With respect to maimais the Gisborne District Council has agreed to the transfer of responsibilities for administering these provisions to the Eastern Region Fish and Game Council. When the transfer occurs the E.R.F.G.C will be the consent authority. Until that time the G. D. C. is the consent authority.)

**Principal reason:** The impacts of both whitebait stands and maimais are slight. Visually, maimais can detract from the amenity of an estuary or wetland but if removed should not adversely affect values there (they are present over autumn/winter months). A similar case exists for whitebait stands.

#### MINOR ALTERATION AND MAINTENANCE OF STRUCTURES

#### 4.3.6E

The minor alteration or maintenance of any structure in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met.

Standards and terms:

- a) The physical dimensions of the structure are not altered.
- b) The alteration or maintenance results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.
- c) Contaminants are not disposed of into the Coastal Environment.
- d) There is no adverse effect on public safety and navigation safety.
- e) Public access to and enjoyment of the Coastal Marine Area is not decreased.
- f) Prior notification of the intention to modify the structure is made to the Gisborne District Council.

Provided that: in the event that any of the standards and terms is not met, then Rule 4.3.6F applies.

**Principal reason:** Without maintenance many structures deteriorate. Minor alteration will have minimal adverse effects.

#### **4.3.6F**

Except as provided for in Rule 4.3.6E, the minor alteration or maintenance of any structure in the Coastal Marine Area is a **discretionary activity** with the following standards and terms:

Standards and terms:

- a) The cumulative increase in the area of bed or foreshore covered by the structure from all minor alterations or maintenance under this plan does not exceed 10% of the original.

**Principal Reason:** The type of maintenance anticipated here can have effects of an unpredictable nature. In order to ensure that measures are taken to avoid, remedy or mitigate adverse effects and also to achieve the purpose of the Act the most appropriate option is to utilise the resource consent process.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.3.8, Chapter 4.6, Chapter 4.7**

### ILLEGAL STRUCTURES

#### **4.3.6G**

Structures located in the Coastal Marine Area for which no permits have been granted under the Harbours Act 1950 or the Resource Management Act 1991 are unauthorised structures. Unauthorised structures which were established prior to January 1, 1995 and are located in the Coastal Marine Area are **permitted** within the Coastal Environment **for a period of two years** from the date of this plan becoming operative.

**Principal reason:** Illegal structures threaten the very processes this plan sets up in order to manage adverse effects. To condone illegal structures is entirely inconsistent with responsible resource management and is inconsistent with the purpose of the Resource Management Act (1991).

### REMOVAL OF STRUCTURES

#### **4.3.6H**

The removal or demolition of any structure in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) Any disturbance to the seabed is minor enough to be removed by two tide cycles.

- d) Prior to and immediately after removal of the structure the New Zealand Maritime Safety Authority and the Hydrographic Office are notified.

Provided that:

In the event of (e) not being met the activity is a **controlled activity** with standards and terms (a) to (d).

The council will restrict its control to setting a condition requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6, Chapter 4.7**

#### **4.3.6I**

The removal or demolition of any structure in the Coastal Marine Area is a **controlled activity** so long as it complies with the following standards and terms:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.

Council will limit its control to:

- the timing/ duration of activities associated with the demolition of the structure; and
- The rate at which components of the structure are removed or demolished; and
- disposal of material on or away from the site; and
- monitoring the effects of removal of the structure; and
- provision of photographic evidence of removal of the structure; and
- requiring bonds or rentals as specified elsewhere in this plan.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment. This variant of the previous rule ensures that large scale removal is possible.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6, Chapter 4.7**

### COASTAL PROTECTION WORKS

#### **4.3.6J**

The erection or placement of any structure in the Coastal Marine Area which has a predominant purpose of avoiding, remedying or mitigating the effects of natural coastal processes on human property or life is a **discretionary activity** provided the following standards and terms are met:

Standards and terms:

- a) In the case of a structure which is solid (or presents a significant barrier to water or sediment movement) and which is approximately parallel to the coast and located within the Coastal Marine Area the structure does not exceed 300m in length.
- b) In the case of a structure which is solid (or presents a significant barrier to water or sediment movement) approximately perpendicular to the coast and located within the Coastal Marine Area the structure does not exceed 100m in length.

Provided that:

In the case of (a) and/or (b) not being met the structure will be treated as a **discretionary and restricted coastal activity**.

**Explanation:** Structures used to protect property from the effects of coastal processes are usually very conspicuous, have a limited life expectancy and dramatically alter natural physical processes.

**Principal reason:** The effects of coastal protection works on the environment will almost always have to be weighed up against community benefits. It is considered appropriate to treat these structures as discretionary activities because achieving the purpose of the RMA will require considerable assessment particularly in respect of s5, 6 & 7 of the RMA.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.3.8, Chapter 4.3.9, Chapter 4.6, Chapter 4.7**

CONSTRUCTION, PLACEMENT, ERECTION OF SIGNAGE

#### **4.3.6K**

The construction, placement or erection of signs in the Coastal Marine Area and coastal water for the purpose of publicising or advising of:

- a) rules in this plan; or
- b) bylaws or regulations made under any Act; or
- c) the location of any reserve; or
- d) water safety is a **controlled activity** with the following

standards and terms:

Standards and terms:

- a) The sign does not exceed 0.5 m<sup>2</sup> in area.

Council will limit its control to:

- The exact location of the sign; and
- The design and finish of the sign; and
- Maintenance and upkeep of the sign; and
- The duration of the consent granted; and
- Monitoring the use and effects of the sign; and
- Requiring photographic evidence of erection of the sign; and

- Requiring rentals or bonds as established elsewhere in this plan.

**Principal reason:** It is important that signage in the CMA is controlled in order to achieve a level of professionalism of finish.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.8, Chapter 4.3.8, Chapter 4.6, Chapter 4.7**

**5g 4.4.6A** ▶ Notwithstanding any rule for a permitted or controlled activity in this chapter of this plan, any activity associated with the construction, placement erection, modification, demolition or replacement of any structure that occurs in or immediately adjacent to any site in the Coastal Marine Area as marked on the map in Appendix 2 of this Plan which is recognised by tangata whenua as culturally sensitive to that type of activity is a **restricted discretionary activity** with, in addition to any standards and terms specified for that activity, the following standards and terms:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Marine Area.
- b) There is no adverse effect on public safety and navigation safety.
- c) The activity results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.
- d) Public access to and enjoyment of the Coastal Marine Area is not decreased.
- e) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.<sup>11</sup>

Council will restrict its discretion to:

- Structure siting; and
- The timing and duration of activities associated with the structure; and
- Disposal of material on or away from the site; and
- The duration of any Resource Consent; and
- Conditions relating to monitoring the effects of the activity; and
- The provision of photographic evidence upon completion of the activity; and
- The extent to which the structure has an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- Requiring rentals or bonds as specified elsewhere in this plan.

**Explanation:** This rule captures activities which might have an impact on cultural values and requires that they be treated as controlled activities with tight terms and

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<sup>11</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

conditions. Implicit in this rule is that all applicants for new structures or significant alteration or demolition of existing structures will consult with tangata whenua.

**Principal reason:** Many permitted and controlled activities do not contain a standard/term related to tangata whenua cultural values and hence could be permitted without reference to tangata whenua. This could result in adverse effects on cultural sites and values.

**Cross-Reference. Refer to:- Chapter 2, Chapter 4.4.8, Chapter 3.1, Chapter 4.6, Chapter 4.7**

#### NAVIGATION AIDS

**4.4.6B** ▶ The construction, placement, erection, modification or replacement of floating navigational buoys within the Coastal Marine Area or within coastal water is a **permitted activity** provided that the following standards and terms are met:  
Standards and Terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) The New Zealand Maritime Safety Authority and the Hydrographic Office are notified of the proposal to erect the structure and are notified of completion of work on the structure.
- d) The Gisborne District Council has been notified in writing of the structure.

Provided that:

In the event of a), b) and d) not being met the activity is a **discretionary activity**.  
In the event of c) not being met the activity is a **controlled activity** with Council restricting its control to setting conditions on the consent requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.4.8, Chapter 4.7**

**4.4.6C** The construction, placement, erection, modification or replacement of fixed (non-floating) navigational aids within the Coastal Marine Area is a **discretionary activity**.

**Principal reason:** (Rules 4.4.6B and 4.4.6C): Floating navigational aids are regarded as low impact except in the Protection Management Area where the visual impacts may be unacceptable. Non-floating navigational aids can have significant adverse effects on biota and visual amenity and are thus treated as discretionary activities.

**Cross-Reference: Chapter 2, Chapter 3.1, Chapter 4.4.8, Chapter 4.6, Chapter 4.7**

#### MINOR ALTERATION AND MAINTENANCE OF STRUCTURES

**4.4.6D** Except as provided for in Rule 4.4.6U (for Port Related Structures) the minor alteration or maintenance of any structure in the Coastal Marine Area of the

Port Management Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) The physical dimensions of the structure are not altered.
- b) The alteration or maintenance results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.
- c) Contaminants are not disposed of into the Coastal Environment.
- d) There is no adverse effect on public safety and navigation safety.
- e) Public access to and along the Coastal Marine Area is not decreased.
- f) Prior notification of the intention to modify the structure is made to the Gisborne District Council.

Provided that:

In the event that any of the standards and terms is not met, then Rule 4.4.6E applies.

**Principal reason:** Without maintenance many structures deteriorate. Minor alteration will have minimal adverse effects.

**4.4.6E** Except as provided for in Rule 4.4.6D and 4.4.6U, the minor alteration or maintenance of any structure in the Coastal Marine Area is a **controlled activity** provided the following standards and terms are met:

Standards and terms

- a. The cumulative increase in the area of bed or foreshore covered by the structure from all minor alterations or maintenance under this plan does not exceed 10% of the original.

Provided that:

If any Standard and Term is not met then the minor alteration and maintenance of structures in the CMA of the Port Management Area is a **discretionary activity**.

**Principal Reason:** The type of maintenance anticipated here can have effects of an unpredictable nature. In order to ensure that measures are taken to avoid, remedy or mitigate adverse effects and also to achieve the purpose of the Act the most appropriate option is to utilise the resource consent process.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.4.8, Chapter 4.6, Chapter 4.7**

## ILLEGAL STRUCTURES

**4.4.6F** Structures located in the Coastal Marine Area for which no permits have been granted under the Harbours Act 1950 or the Resource Management Act 1991 are unauthorised structures. Unauthorised structures which were established prior to 1 January 1995 and are located in the Coastal Marine Area are **permitted** within the Coastal Environment **for a period of two years** from the date of this Plan becoming operative.

**Principal reason:** Illegal structures threaten the very processes this plan sets up in order to manage adverse effects. To condone illegal structures is entirely inconsistent with responsible resource management and is inconsistent with the purpose of the Resource Management Act (1991).

## REMOVAL OF STRUCTURES

**4.4.6G** The removal or demolition of any structure in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) Any disturbance to the seabed is minor enough to be removed by two tide cycles.
- d) Prior to and immediately after removal of the structure the New Zealand Maritime Safety Authority and the Hydrographic Office are notified.

Provided that:

If any of the Standards and Terms are not met then Rule 4.4.6H applies.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1**

**4.4.6H** Except as provided for in Rule 4.4.6G, the removal or demolition of any structure in the Coastal Marine Area and coastal water is a **controlled activity** so long as it complies with the following standards and terms:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.

Council will limit its control to:

- the timing/duration of activities associated with the demolition of the structure; and
- The rate at which components of the structure are removed or demolished; and
- disposal of material on or away from the site; and
- monitoring the effects of removal of the structure; and
- provision of photographic evidence of removal of the structure; and
- requiring bonds or rentals as specified elsewhere in this plan.

Setting a condition requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office of Land Information New Zealand prior to and on completion of the demolition or removal of the structure.

Provided that:

If any of the standards and terms are not met then the removal or demolition of structures in the CMA of the Port Management Area is a **discretionary activity**.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment. This variant of the previous rule ensures that large scale removal is possible.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6

#### COASTAL PROTECTION WORKS

**4.4.6I** The erection or placement of any structure in the Coastal Marine Area which has a predominant purpose of avoiding, remedying or mitigating the effects of natural coastal processes on human property or life is a discretionary activity provided the following standards and terms are met:

Standards and terms

- a) In the case of a structure which is solid (or presents a significant barrier to water or sediment movement) and which is approximately parallel to the coast and located within the Coastal Marine Area the structure does not exceed 300m in length.
- b) In the case of a structure which is solid (or presents a significant barrier to water or sediment movement) and which is approximately perpendicular to the coast and located within the Coastal Marine Area the structure does not exceed 100m in length.

Provided that:

In the case of a) and/or b) not being met the structure will be treated as a **discretionary and restricted coastal activity**.

**Explanation:** Structures used to protect property from the effects of coastal processes are usually very conspicuous, have a limited life expectancy and dramatically alter natural physical processes.

**Principal reason:** The effects of coastal protection works on the environment will almost always have to be weighed up against community benefits. It is considered appropriate to treat these structures as discretionary activities because achieving the purpose of the RMA will require considerable assessment, particularly in respect of s5, 6 & 7 of the RMA.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.4.8, Chapter 4.4.9, Chapter 4.6

**4.4.6J** The construction, placement or erection of signs in the Coastal Marine Area for the purpose of publicising or advising of:

- a) rules in this plan; or
- b) bylaws or regulations made under any Act; or

- c) the location of any reserve; or
- d) water safety; or
- e) Refuelling facilities and instructions for use within the Coastal Marine Area.

is a **permitted activity** provided that the following standards and terms are met:  
Standards and terms:

- a) The sign does not exceed 0.5 m<sup>2</sup> in area.

Provided that:

If the Standard and Term is not met, then the construction, placement or erection of signs in the CMA of the Port Management Area is a **restricted discretionary activity**.

Council will restrict its discretion to:

- The exact location of the sign; and
- The design and finish of the sign; and □ Maintenance and upkeep of the sign; and
- The duration of the consent granted; and
- Monitoring the use and effects of the sign; and
- Requiring photographic evidence of erection of the sign; and
- Requiring rentals or bonds as established elsewhere in this plan.

**Principal reason:** It is important that signage in the CMA is controlled in order to achieve a level of professionalism of finish.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6**

#### DISCHARGE OF CONTAMINANTS

**4.4.6K** Where a standard or term in a rule in this chapter of this plan prevents an activity because contaminants are disposed to the Coastal Environment the activity may occur if it achieves all other standards and terms of the rule **and** a permit for the discharge is obtained or the discharge satisfies the standards and terms for a permitted discharge.

**Principal reason:** This rule provides a linkage between the structures chapter and discharge chapters of the plan and provides for consistency between the two chapters. Discharges were included within the structures section of the plan to highlight the inter-relatedness of chapters and to direct readers to other relevant objectives, methods, rules and policies.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.4.7, Chapter 4.6, Chapter 4.7**

#### PLACEMENT OF TEMPORARY STRUCTURES (other than whitebait stands)

**4.4.6L** The erection or placement of any temporary structure in the Coastal Marine Area of the Port Management Area is a **permitted activity** provided that the following standards and terms are met.

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety, navigation safety, and the lawful operation of the Port of Gisborne.
- c) Public access to and enjoyment of the Coastal Marine Area is not decreased.
- d) The structure is located for a continuous or cumulative period not exceeding 30 days in any one year.
- e) The structure is removed immediately after use.
- f) The harbour master is notified in writing at least five days prior to the construction of the structure.
- g) The Gisborne District Council is notified in writing prior to construction of the structure.

**Principal reason:** It is not conceivable that a structure which meets the standards of this rule would have significant adverse effects. By providing for this type of structure the utility of the Coastal Environment is recognised without compromising values.

#### NETWORK UTILITIES ATTACHED TO OTHER STRUCTURES

**4.4.6M** Construction, placement, erection or modification of any network utility structure that is or will be attached to an existing structure located in the Coastal Marine Area of the Port Management Area, is a **permitted activity** provided that the following standards and terms are met.

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) Prior to and immediately after construction, placement or erection the New Zealand Maritime Safety Authority and the Hydrographic Office are notified.
- d) The Gisborne District Council is notified in writing prior to construction of the structure.

Provided that:

In the event of d) not being met the activity is a **discretionary activity** with standards and terms a) to c). Conditions will be set requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

**Principal reason:** This rule is necessary in order to manage the potential adverse effects of network utility structures. The intent of the rule is concentrate structures.

## PLACEMENT AND ERECTION OF NETWORK UTILITY STRUCTURES

**4.4.6N** Except as provided for in Rules 4.4.6D, 4.4.6E or 4.4.6M, any activity that requires construction, erection or alteration of a network utility structure within the Coastal Marine Area of the Port Management Area, (but excepting any reclamations), is a **controlled activity** provided that the following standards and terms are met:

Standards and terms:

- a) There is no adverse effect on public safety and navigation safety.
- b) There will be no adverse effect on the drainage and navigation capacity of the Turanganui River diversion.
- c) Contaminants are not disposed of into the Coastal Environment.
- d) There is no adverse effect on public safety and navigation safety.

Provided that:

If these standards or terms are not met the activity is a **restricted discretionary activity**.

Council will restrict its discretion to:

- The exact location of the structure (to avoid cultural or historic sites); and
- Disposal of material on or away from the site; and
- Requiring rentals or bonds as specified elsewhere in this plan; and
- Monitoring the effects of the structure.

**Explanation:** Where appropriate, the consent authority will consult with tangata whenua in the consideration of any specific resource consent application and will encourage applicants for resource consent to similarly consult as a matter of good practice. The consultation process should be initiated as soon as practicable.<sup>12</sup>

**Principal reason:** This rule establishes the placement and erection of network utility structures as a legitimate activity in the CMA. The principal reason for this rule is that these structures are essential to provide for the social well being of communities. Because the Port Management Area is already highly developed classifying these activities as controlled was regarded as appropriate.

**Cross-Reference:** Chapter 2, Chapter 3.1, Chapter 4.6

## MOORINGS

**4.4.6O** The construction or placement of pile and swing moorings in the Port Management Area is a **controlled activity** provided the following standards and terms are met:

Standards and terms

- a) The Harbour Master is consulted.
- b) The mooring does not adversely affect port operations.
- c) The mooring is not located in the Gisborne Harbour Swing Basin.

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<sup>12</sup> Port Gisborne Consent Order 742/00

- d) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.<sup>13</sup>

Council will limit its control to:

- Disposal of material on or away from the site; and
- Requiring rentals or bonds as specified elsewhere in this plan; and
- Monitoring the effects of the structure; and
- The duration of any permit granted.

Provided that:

In the event of standard and term c) not being met the activity is a **prohibited activity** for which no Resource Consent will be granted. Otherwise the activity is a **discretionary activity**.

(Note: The construction or placement of moorings within harbour limits must also comply with the Local Government Act 1974 and Navigation Bylaws.)

**Principal reason:** The Port Management Area is an appropriate place for moorings. This rule ensures certain standards are met and highlights other statutory considerations.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.4.7, Chapter 4.4.8, Chapter 4.4.9, Chapter 4.6**

#### CONTAINMENT OF THE COASTAL MARINE AREA

**4.4.6P** Any activity involving the erection of a structure or structures which will impound or effectively contain any area of the Coastal Marine Area of the Port Management Area greater than 4ha is a **discretionary and restricted coastal activity**.

**Cross-Reference. Refer to: Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.6**

**4.4.6Q** Any activity involving the erection of a structure or structures which will impound or effectively contain any area of the Coastal Marine Area of the Port Management Area less than or equal to 4 Ha is a **discretionary activity**.

**Principal reason:** These rules are consistent with Schedule 1.2 of the NZCPS.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.4.7, Chapter 4.4.8, Chapter 4.4.9, Chapter 4.6**

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<sup>13</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

#### PLACEMENT/ERECTION OF PERMANENT STRUCTURES

**4.4.6R** Unless specified elsewhere to the contrary and more specifically and notwithstanding rules 4.4.6S and 4.4.6T of this section any activity that requires the construction, erection or alteration of a structure in the Coastal Marine Area, (but excepting minor alterations and any reclamations), is a **controlled activity** in the Port Management Area provided the following standards and terms are met:  
Standards and terms:

- a) The structure is directly related to the operational requirements of the port.
- b) There is no adverse effect on public safety and navigation safety.
- c) There will be no adverse effect on the drainage and navigation capacity of the Turanganui River diversion.
- d) Contaminants are not disposed of into the Coastal Environment unless authorised to be so disposed by a rule in a Plan or by resource consent.
- e) There is no adverse effect on public safety and navigation safety.
- f) The activity does not cause more than minor adverse effects on ecological processes, bio-diversity, water quality, natural character, natural landscape and flora and fauna identified in a Protection Management Area.

Council will limit its control to:

- The exact location of the structure (to avoid cultural or historic sites); and
- Disposal of material on or away from the site; and
- Requiring rentals or bonds as specified elsewhere in this plan; and
- Monitoring the effects of the structure.

Provided that:

If any of the above standards and terms are not met the activity is **discretionary**.

**Explanation:** Where appropriate, the consent authority will consult with tangata whenua in the consideration of any specific resource consent application and will encourage applicants for resource consent to similarly consult as a matter of good practice. The consultation process should be initiated as soon as practicable.<sup>14</sup>

**Principal reason:** There are some very specific rules for this management area. This rule ensures that structures not covered by those rules are treated as controlled activities.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6**

**4.4.6S** The erection or placement of any structure or structures in the Coastal Marine Area of the Port Management Area that is -

- a) more or less parallel to mean high water springs; and
- b) solid (or presents a significant barrier to water or sediment movement); and

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<sup>14</sup> Port Gisborne Consent Order 742/00

- c) would extend 300 metres or more but is less than 1000 meters, and including separate structures which with an incremental total of between 300 and 1000 metres, and
- d) is not a submarine or sub-aqueous cable.

is a **discretionary activity** provided the following standards and terms are met:  
Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.<sup>15</sup>

Provided that:

If the structure is equal to or greater than 1000 meters in length the activity is a **discretionary and restricted coastal activity**.

**Principal reason:** Schedule 1.3 of the NZCPS contains similar requirements. These rules are written to ensure the effects of structures are fully assessed by the Minister of Conservation when they meet an (arbitrary) size threshold.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6**

**4.4.6T** ▶ The erection of any structure in the Coastal Marine Area of the Port Management Area that is -

- a) oblique or perpendicular to mean high water springs; and
- b) solid (or presents a significant barrier to water or sediment movement); and
- c) is in the horizontal projection more than 100 meters but less than 1000 meters in length; and
- d) is not a submarine or sub-aqueous cable.

is a **discretionary activity** provided the following standards and terms are met:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Environment.
- b) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.<sup>16</sup>

Provided that:

If the structure is equal to or greater than 1000 meters then the activity is a **discretionary and restricted coastal activity**.

**Principal reason:** This rule is consistent with and implements s1.3 of the NZCPS.

<sup>15</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

<sup>16</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6

#### MINOR ALTERATION OF PORT RELATED STRUCTURES

**4.4.6U** The minor alteration of any port related structure in the Coastal Marine Area of the Port Management Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms

- a) Prior notice of the alteration is given to the Gisborne District Council and the harbour master.
- b) The area of the CMA covered by the structure does not increase by more than 5% in any one alteration, or 20% cumulatively.
- c) Contaminants are not disposed of into the Coastal Environment
- d) There is no adverse effect on public safety and navigation safety.

**Principal reason:** Minor alteration of structures in the Port Management Area will not have any adverse effects if the standards set are met.

#### HAZARDOUS AND PETROLEUM BASED SUBSTANCE STORAGE STRUCTURES

**4.4.6V** Any activity in the Coastal Marine Area of the Port Management Area involving the erection of structures for the storage or containment of petroleum, petroleum based products or other contaminants is a **controlled activity** provided the following standards and terms are met:

Standards and terms:

- a) The facility is such that a reasonably foreseeable loss of containment would not threaten public safety or result in contamination of the Coastal Marine Area; and
- b) Contaminants are not disposed of into the Coastal Environment.
- c) There is no adverse effect on public safety and navigation safety.
- d) Public access to and along the Coastal Marine Area is not decreased.

**5h 4.5.6A** Notwithstanding any rule for a permitted or controlled activity in this chapter of this plan, any activity associated with the construction, placement erection, modification, demolition or replacement of any structure that occurs in any area of the Coastal Marine Area marked on the map in Appendix 2 of this Plan as a site which is culturally sensitive to that type of activity (as recognised by tangata whenua)<sup>17</sup> is a **discretionary activity** with, in addition to any standards and terms specified for that activity, the following standards and terms:

Standards and terms

- a) Contaminants are not disposed of into the Coastal Marine Area.

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<sup>17</sup> Huaguang Forest Consent order 749/00

- b) There is no adverse effect on public safety and navigation safety.
- c) The activity results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.

Council will limit its control to:

- Structure siting; and
- The timing and duration of activities associated with the structure; and
- Disposal of material on or away from the site; and
- The duration of any Resource Consent; and
- Conditions relating to monitoring the effects of the activity; and
- The provision of photographic evidence upon completion of the activity; and
- The extent to which the structure has an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; and
- Requiring rentals or bonds as specified elsewhere in this plan.

**Explanation:** This rule captures activities which might have an impact on cultural values and requires that they be treated as discretionary<sup>18</sup> activities with tight terms and conditions. Implicit in this rule is that all applicants for new structures or significant alteration or demolition of existing structures will consult with tangata whenua.

**Principal reason:** Many permitted and controlled activities do not contain a standard/term related to tangata whenua cultural values and hence could be permitted without reference to tangata whenua. This could result in adverse effects on cultural sites and values. The consent authority will consult with tangata whenua in the consideration of any specific resource consent application and will encourage applicants for resource consent to similarly consult with tangata whenua, as a matter of good practice. The consultation process should be initiated as soon as practicable.<sup>19</sup>

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

#### NAVIGATION AIDS

**4.5.6B** The construction, placement, erection, modification or replacement of floating navigational buoys within the Coastal Marine Area or within coastal water is a **permitted activity** provided that the following standards and terms are met:  
Standards and terms

- a) Contaminants are not disposed of into the Coastal Environment.

<sup>18</sup> Huaguang Forest Consent order 749/00

<sup>19</sup> Huaguang Forest Consent order 749/00

- b) There is no adverse effect on public safety and navigation safety.
- c) The New Zealand Maritime Safety Authority and the Hydrographic Office are notified of the proposal to erect the structure and are notified of completion of work on the structure.
- d) The Gisborne District Council has been notified in writing of the structure.

Provided that:

In the event of a), b) and d) not being met the activity is a discretionary activity. In the event of c) not being met the activity is a **controlled activity** with Council restricting its control to setting conditions on the consent requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

**4.5.6C** The construction, placement, erection, modification or replacement of fixed (non floating) navigational aids within the Coastal Marine Area and coastal water is a **discretionary activity**.

**Principal reason:** Rules 4.5.6B and 4.5.6C: Floating navigational aids are regarded as low impact except in the Protection Management Area where the visual impacts may be unacceptable. Non-floating navigational aids can have significant adverse effects on biota and visual amenity and are thus treated as discretionary activities.

**Cross-Reference: Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

#### PLACEMENT OF TEMPORARY MAIMAIS AND WHITEBAIT STANDS

**4.5.6D** The erection or placement of a temporary maimai or whitebait stand in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

In respect of all maimais and whitebait stands located in the Coastal Marine Area:

- a) The structure has a maximum size of four square meters.
- b) The structure is open piled; and

In the case of a maimai:

- a) The structure is at least 90 meters from any neighbouring structure, tide gate, floodgate, confluence or culvert.
- b) The structure is only present between April 1 and July 31 of any one year.
- c) Prior written notice of the erection or placement is given to the Consent Authority.

In the case of a whitebait stand:

- a) The structure is at least 20 meters from any neighbouring structure, tide gate, floodgate, confluence or culvert.
- b) The structure is only present between 15 July and December 30 of any one year.
- c) Prior written notice of the erection or placement is given to the Gisborne District Council.

(With respect to maimais the Gisborne District Council has agreed to the transfer of responsibilities for administering these provisions to the Eastern Region Fish and Game Council. When the transfer occurs the E.R.F.G.C will be the consent authority. Until that time the Gisborne District Council is the consent authority.)

**Principal reason:** The impacts of both whitebait stands and maimais are slight. Visually, maimais can detract from the amenity of an estuary or wetland but if removed should not adversely affect values there (they are present over autumn/winter months). A similar case exists for whitebait stands.

#### MINOR ALTERATION AND MAINTENANCE OF STRUCTURES

**4.5.6E** The minor alteration or maintenance of any structure in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) The physical dimensions of the structure are not altered.
- b) The alteration or maintenance results in no more disturbance to the foreshore or bed than can be removed by two tide cycles.
- c) Contaminants are not disposed of into the Coastal Environment.
- d) There is no adverse effect on public safety and navigation safety.
- e) Public access to and enjoyment of the Coastal Marine Area and coastal water is not decreased.
- f) Prior notification of the intention to modify the structure is made to the Gisborne District Council.

Provided that:

In the event that any of the standards and terms are not met, then Rule 4.5.6F applies.

**Principal reason:** Without maintenance many structures deteriorate. Minor alteration will have minimal adverse effects.

**4.5.6F** Except as provided for in Rule 4.5.6E, the minor alteration or maintenance of any structure in the Coastal Marine Area is a **discretionary activity** provided the following standards and terms are met:

Standards and terms

- a) The cumulative increase in the area of bed or foreshore covered by the structure from all minor alterations or maintenance under this plan does not exceed 10% of the original.

**Principal Reason:** The type of maintenance anticipated here can have effects of an unpredictable nature. In order to ensure that measures are taken to avoid,

remedy or mitigate adverse effects and also to achieve the purpose of the Act the most appropriate option is to utilise the resource consent process.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

#### ILLEGAL STRUCTURES

**4.5.6G** Structures located in the Coastal Marine Area and Coastal water for which no permits have been granted under the Harbours Act, 1950 or the Resource management Act, 1991 are unauthorised structures. Unauthorised structures which were established prior to January 1, 1995 and are located in the Coastal Marine Area and Coastal water are **permitted** within the Coastal Environment for a **period of two years** from the date of this plan becoming operative.

**Principal reason:** Illegal structures threaten the very processes this plan sets up in order to manage adverse effects. To condone illegal structures is entirely inconsistent with responsible resource management and is inconsistent with the purpose of the Resource Management Act (1991).

#### REMOVAL OF STRUCTURES

**4.5.6H** The removal or demolition of any structure in the Coastal Marine Area is a permitted activity provided that the following standards and terms are met:

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.
- c) Any disturbance to the seabed is minor enough to be removed by two tide cycles.

Provided that:

In the event of e) not being met the activity is a **controlled activity** with standards and terms a) to d). The council will restrict its control to setting a condition requiring notification of the New Zealand Maritime Safety Authority and the Hydrographic Office.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment.

**4.5.6I** The removal or demolition of any structure in the Coastal Marine Area is a **controlled activity** so long as it complies with the following standards and terms:

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.
- b) There is no adverse effect on public safety and navigation safety.

Council will limit its control to:

- the timing/duration of activities associated with the demolition of the structure; and
- The rate at which components of the structure are removed or demolished; and
- disposal of material on or away from the site; and
- monitoring the effects of removal of the structure; and
- provision of photographic evidence of removal of the structure; and
- requiring bonds or rentals as specified elsewhere in this plan.

**Principal reason:** Obsolete structures diminish natural character and amenity - their removal is a very good way of improving the quality of the Coastal Environment. This variant of the previous rule ensures that large scale removal is possible.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6

#### COASTAL PROTECTION WORKS

**4.5.6J** The erection or placement of any structure in the Coastal Marine Area which has a predominant purpose of avoiding, remedying or mitigating the effects of natural processes on human property or life is a **discretionary activity** provided the following standards and terms are met:

Standards and terms:

- a) In the case of a structure which is approximately parallel to the coast and located within the Coastal Marine Area the structure does not exceed 300m in length.
- b) In the case of a structure approximately perpendicular to the coast and located within the Coastal Marine Area the structure does exceed 100m in length.

Provided that:

In the case of a) and b) not being met the structure will be treated as a **discretionary and restricted coastal activity**.

**Explanation:** Structures used to protect property from the effects of coastal processes are usually very conspicuous, have a limited life expectancy and dramatically alter natural physical processes.

**Principal reason:** The effects of coastal protection works on the environment will almost always have to be weighed up against community benefits. It is considered appropriate to treat these structures as discretionary activities because achieving the purpose of the RMA will require considerable assessment, particularly in respect of s5, 6 & 7 of the RMA.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 3.8, Chapter 4.6**

## CONSTRUCTION, PLACEMENT, ERECTION OF SIGNAGE

**4.5.6K** The construction, placement or erection of signs in the Coastal Marine Area for the purpose of publicising or advising of:

- a) rules in this plan; or
- b) bylaws or regulations made under any Act; or
- c) the location of any reserve; or
- d) water safety

is a **controlled activity** provided the following standards and terms are met:  
Standards and terms:

- a) The sign does not adversely affect any value identified within, or sought to be protected by a Protection Management Area.

The sign does not exceed 0.5 m<sup>2</sup> in area.

Council will limit its control to:

- The exact location of the sign; and
- The design and finish of the sign; and
- Maintenance and upkeep of the sign; and
- The duration of the consent granted; and
- Monitoring the use and effects of the sign; and
- Requiring photographic evidence of erection of the sign; and
- Requiring rentals or bonds as established elsewhere in this plan.

**Principal reason:** It is important that signage in the CMA is controlled in order to achieve a level of professionalism of finish.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6**

## DISCHARGE OF CONTAMINANTS

**4.5.6L** Where a standard or term in a rule in this chapter of this plan prevents an activity because contaminants are disposed to the Coastal Environment the activity may occur if it achieves all other standards and terms of the rule **and** a coastal permit for the discharge is obtained or the discharge satisfies the standards and terms for a permitted discharge.

**Principal reason:** This rule provides a linkage between the structures chapter and discharge chapters of the plan and provides for consistency between the two chapters. Discharges were included within the structures section of the plan to highlight the inter-relatedness of chapters and to direct readers to other relevant objectives, methods, rules and policies.

## PLACEMENT OF TEMPORARY STRUCTURES (other than maimais and stands

**4.5.6M** The erection or placement of any temporary structure in the Coastal Marine Area of the General Management Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) Contaminants are not disposed of into the Coastal Environment.

- b) There is no adverse effect on public safety and navigation safety.
- c) Public access to and enjoyment of the Coastal Marine Area is not decreased.
- d) The structure is located for a continuous or cumulative period in any one year not exceeding 14 days.
- e) The structure is removed immediately after use.
- f) Consultation has occurred with Maori and there are no adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.<sup>20</sup>
- g) Any disturbance to the foreshore or bed caused by the temporary activity is minor enough to be removed by two tide cycles.
- h) The Council is notified in advance and in writing.

Provided that:

If any of these conditions is not met the activity is **discretionary**.

**Principal reason:** It is not conceivable that a structure which meets the standards of this rule would have significant adverse effects. By providing for this type of structure the utility of the Coastal Environment is recognised without compromising values.

Network Utility Structures Attached to Other Structures

**4.5.6N** Construction, placement, erection of any network utility structure that is or will be attached to an existing structure located in the Coastal Marine Area or Coastal waters of the General Management Area, is a **controlled activity** provided the following standards and terms are met.

Standards and terms:

- a) Any disturbance to the foreshore or bed is minor enough to be removed by two tide cycles.
- b) Contaminants are not disposed of into the Coastal Environment.
- c) Consultation has occurred with Maori and the activity has no adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.<sup>21</sup>
- d) There is no adverse effect on public safety and navigation safety.

The Council will restrict its control to:

- a) The timing and duration of activities associated with construction of the structure; and

<sup>20</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

<sup>21</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

- b) Disposal of material on or away from the site; and
- c) monitoring the effects of the structure; and
- d) requiring photographic evidence of the structures completion; and
- e) requiring rentals or bonds as specified elsewhere in this plan.

Provided that:

If the above standards and terms are not met the activity is a **discretionary activity**.

**Principal reason:** This rule is necessary in order to manage the potential adverse effects of network utility structures. The intent of the rule is concentrate structures.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.6**

#### PLACEMENT AND ERECTION OF NETWORK UTILITY STRUCTURES

**4.5.6O** Except as provided for in Rules 4.5.6E, 4.5.6F and 4.5.6N, any activity that requires excavation, construction or erection of a network utility structure within the Coastal Marine Area of the General Management Area, (but excepting any reclamations), is a **discretionary activity**.

**Principal reason:** This rule establishes the placement and erection of network utility structures as a legitimate activity in the Coastal Marine Area. The principal reason for this rule is that these structures are essential to provide for the social well-being of communities - but they can have adverse effects.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

#### MOORINGS

**4.5.6P** The construction or placement of pile and swing moorings in the Coastal Marine Area of the General Management Area is a **discretionary activity** provided the following standards and terms are met:

Standards and terms:

- a) The mooring is located outside of existing harbour limits.

(Note: The construction or placement of moorings within harbour limits must also comply with the Harbours Act 1950 and harbour bylaws. In this regard consultation with the Harbour Master is recommended.)

**Principal reason:** There are two reasons for this rule:

To protect people from themselves through the consent process and also  
To prevent unsightly moorings appearing where they are inappropriate or where they diminish the natural character, amenity or cultural values of the Coastal Environment.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

## CONTAINMENT OF THE COASTAL MARINE AREA

**4.5.6Q** Notwithstanding any other rules in chapter 4.5 of this plan any activity involving the erection of a structure or structures which will impound or effectively contain any area of the Coastal Marine Area of the General Management Area greater than 4 Ha is a **discretionary and restricted coastal activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

**4.5.6R** Notwithstanding any other rules in chapter 4.5 of this plan any activity involving the erection of a structure or structures which will impound or effectively contain any area of the Coastal Marine Area of the General Management Area less than or equal to 4 Ha is a **discretionary activity**.

**Principal reason:** These rules are consistent with Schedule 1.2 of the NZCPS.

**Cross Reference:- Chapter 2, Chapter 3.1, Chapter 4.5.8, Chapter 4.6**

## PLACEMENT/ERECTION OF PERMANENT STRUCTURES

**4.5.6S** Unless specified elsewhere to the contrary and more specifically any activity that requires excavation, construction or erection of a structure in the Coastal Marine Area of the General Management Area, (but excepting minor alterations and any reclamations), is a **discretionary activity** provided the following standards and terms are met:

Standards and terms:

- a) Any adverse effects of the structure on the Coastal Marine Area cannot be avoided by locating the structure outside of the Coastal Marine Area.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.5.8, Chapter 4.6**

## STRUCTURES PERPENDICULAR OR PARALLEL WITH MHWS

**4.5.6T** The erection or placement of any structure or structures in the Coastal Marine Area of the General Management Area that is -

- a) more or less parallel to mean high water springs; and
- b) solid (or present a significant barrier to water or sediment movement); and
- c) would extend 300 metres or more, and including separate structures which with an incremental total of at least 300 metres; and
- d) is not a submarine or sub-aqueous cable.

is a discretionary and restricted coastal activity.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.5.8, Chapter 4.6**

**4.5.6U** ▶ The erection of any structure which is solid (or present a significant barrier to water or sediment movement), in the Coastal Marine Area of the General Management Area that is -

- a) oblique or perpendicular to mean high water springs; and
- b) solid; and
- c) is in the horizontal projection more than 100 meters in length; and
- d) is not a submarine or sub-aqueous cable,

is a discretionary and restricted coastal activity.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.8, Chapter 4.5.8, Chapter 4.6**

**Principal reason:** Schedule 1.3 and 1.4 of the NZCPS contains similar requirements. These rules are written to ensure the effects of structures are fully assessed by the Minister of Conservation when they meet an (arbitrary) size threshold.

#### HAZARDOUS AND PETROLEUM BASED SUBSTANCE STORAGE STRUCTURES

**4.5.6V** Any activity in the Coastal Marine Area of the General Management Area involving the erection of structures for the storage or containment of petroleum, petroleum based products or other contaminants is a **discretionary activity** provided the following standards and terms are met:

Standards and terms:

- a) The structure is designed to carry less than 100,000 litres.

Provided that:

- i) If the standard and term a) is not met then the activity is a **non-complying activity**; and
- ii) If the standard and term a) and b) or b) is not met then the activity is a **non-complying and restricted coastal activity**.

**Principal reason:** The rule is consistent with Policy s1.5(b) of the NZCPS and recognises the very real risk that spillage of contaminants into the CMA carries.

**3.2.3A** To provide for the occupation of space in the CMA where this is required to provide for an activity:

1. That has a functional need to locate in the CMA; or
2. For which there is no reasonably practicable alternative location outside the CMA.

after ensuring that the adverse effects arising from the activity's occupation of space in the CMA are avoided as far as practicable and where complete avoidance is not practicable, the adverse effects are mitigated and provision is made for their remediation to the extent practicable.

**Principal reason:** This objective states the purpose of providing for the occupation of space in the CMA.

The identification of any "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated. Convenience to anyone wishing to undertake an activity is not an issue to be considered in the assessment of "practicable alternatives". A "Practicable alternative" may, in some circumstances, be one that is more expensive but with fewer or no adverse effects on the environment.

The objective is qualified by the terms "avoid, remedy, mitigate" to be consistent with the RMA and no inconsistent with Policy 3.2.2 of the New Zealand Coastal Policy Statement. This objective contrasts with those that follow in being stated in the positive and is different in this respect in order to provide an overlay that captures adverse effects not specifically covered in the objectives below.

**3.2.3B** Locations sought for the occupation of space that avoids the adverse effects of coastal hazards.

**Principal reason:** The location of a structure or other activity is a principal determinant in whether that activity will be adversely affected by Coastal hazards. The social cost of hazard processes is often high. The RMA and NZCPS require that the adverse effects of coastal hazards be avoided.

**3.2.3C** No new occupation of space in areas where existing occupied sites are reasonably available for the same purpose, or where the transfer of a permit to occupy space is a reasonable option.

**Explanation:** "Reasonable" in the context of the transfer of permits is used with reference to the availability of transferable permits and the willingness of existing permit holders to transfer their permit.)

**Principal reason:** NZCPS Policy 4.1.6 requires that regard be had of alternatives to what an applicant seeks to do. This objective extends that policy to anticipate an ideal situation where new sites are not occupied if an alternative exists. This objective ties in very closely with efficiency. See also the principal reason for 3.2.3 B.

**3.2.3D** The efficient use of space in the CMA.

**Principal reason:** The RMA requires that particular regard be had to the efficient use and development of natural and physical resources. Occupation of space occurs almost solely for purposes of development and the main limitation on occupation of space (in the absence of any other affect) should be that efficiency occurs.

**3.2.4A** To promote and provide for the transfer of permits to occupy space in the CMA.

**Explanation:** The transfer of permits for strictly economic reasons will fail. The reality is that demand for the development of open space is not high. However, the effects of occupying previously unoccupied space are such that any incentive which will achieve rehabilitation of space elsewhere should be pursued. This policy is such an incentive.

**Principal reason:** There is evidence of redundancy in the use of open space in the CMA. Structures deteriorate and physical processes can quickly impose serious costs on developers. The ability to transfer permits to occupy space could provide a means whereby redundant or excessively costly structures are retired and new uses are established elsewhere in the CMA.

**3.2.4B** Council and Consent Authorities should make provision for the exclusive occupation of space in the CMA where it can be demonstrated that such exclusive occupation of space:

- 14) Is reasonably necessary to provide for the lawful exercise of any activity and no reasonably practicable alternative to the exclusive occupation of space in the CMA exists; and
- 15) Is consistent with the policies and objectives of this plan.

In the case of an application to occupy a new site in the CMA that is **not** a consequence of a transfer of a permit to occupy it should be demonstrated that there is no reasonable alternative to occupying the new site. When considering what is reasonably necessary to provide for the lawful exercise of any activity Council and Consent Authorities shall consider:

1. The extent to which the occupation of space restricts the exercise of other lawful activities or public access into or through the area sought.
2. The level of security required to ensure the safe and efficient exercise of the activity for which the exclusive occupation is sought.

**Explanation:** This policy states that Council will provide for the occupation of space provided certain conditions are met. A distinction is drawn between occupation of space (restriction of certain types of activities or restriction of all activities for certain periods of time for an area over which consent is held) and exclusive occupation of space (involving the exclusion of all other activities for the duration for which a consent is granted).

The identification of any "practicable alternatives" requires the exercise of an overall judgement taking into account a range of issues including the costs associated with each of the options considered, efficiency and effectiveness, the nature and quality of the different environments, cumulative impacts and the degree to which the effects of the activity on the environment will be adverse and can be avoided, remedied or mitigated. Convenience to anyone wishing to undertake an activity is not an issue to be considered in the assessment of "practicable alternatives". A "practicable alternative" may, in some circumstances, be one that is more expensive but with fewer or no adverse effects of the environment. Alternatives to exclusive occupation of space in the CMA may include occupation of space in the CMA that restricts some other uses of that space from occurring for periods of time or landbased alternatives.

**Principal reason:** This policy implements and extends policy 4.1.6 of the NZCPS and also contains conditions to ensure consistency with other policies and objective 3.2.3A of this plan.

**3.2.4C** To require the provision of public access across Crown space occupied in the CMA unless restriction of access is necessary to protect:

- a) Significant indigenous fauna, flora or significant habitats; or
- b) Maori cultural sites; or
- c) Public health and safety; or
- d) Is necessary to ensure a level of security consistent with the purpose of the resource consent or is needed in other exceptional circumstances notwithstanding the national importance of maintaining access. Where a reduction of access is necessary - to remedy or mitigate the adverse effects of the reduction where appropriate.

**Explanation:** This policy states that occupation of Crown space in the CMA cannot reduce levels of public access to and across the CMA without very good reason (these are listed). Where reduced access is necessary the policy requires that the adverse effects are remedied or mitigated. It is envisaged that the policy will result in either the maintenance of access or access shifting, over time, to areas where the effects are minor.

**Principal reason:** This policy is consistent with and enhances Policy 3.5.1 of the NZCPS.

**3.2.4D** Where appropriate, to ensure that when space is allocated in the Coastal Marine Area account is taken of the potential for sea level rises and to ensure that space is allocated in a way that avoids, remedies or mitigates potential threats from any coastal processes.

**Explanation:** The policy requires occupation of space to occur in a way that reflects the realities of potential impacts on coastal processes and also the likelihood of sea level rise.

**Principal reason:** This policy reflects an issue that is both regionally and internationally significant and relies on an assessment of probabilities.

**3.2.4E** To have particular regard to the cumulative adverse effects occupation of space in the CMA has - particularly in respect of its impact on finite characteristics such as the availability of open space.

**Explanation:** The coastline is largely devoid of structures and is typically unoccupied. From this state a progressive diminution of a host of values (natural character, amenity, ecology) is likely if action is not taken to ensure this does not happen. This policy is necessary because the CMA is largely a public resource and as such could easily be degraded in a progressive fashion.

**Principal reason:** This policy is consistent with policies 3.1.3 and 3.2.4 of the NZCPS.

**3.2.4F** To provide space in the CMA for temporary recreational and cultural events in the Coastal Marine Area where the effects of providing for these are minor.

**Explanation:** This policy aims to cater for infrequent sporting events such as surf-lifesaving competitions, triathlons and beach races.

**Principal reason:** These types of events contribute towards community well being and are low impact.

**4.5.8A** Notwithstanding anything else in Chapter 4.5 of this plan, the exclusive occupation of land of the Crown within the CMA, under Section 12(2) of the Resource Management Act 1991, for an activity that is permitted or controlled in Chapter 4.5.6 of this plan is a **restricted discretionary activity**.

Matters to which Council will restrict its discretion:

- a) The extent to which the exclusive occupation of space has an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- b) The extent to which the exclusive occupation of space restricts or prevents public access to and along the Coastal Marine Area.
- c) The extent to which the exclusive occupation of space adversely affects any value identified within, or sought to be protected by a Protection Management Area

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.2, Chapter 4.6**

**Principal reason:** This rule requires very minor and almost exclusively beneficial coastal activities which require an exclusive occupation of space consent in the CMA to obtain a resource consent but limits the concerns of the Council to two narrow areas of cultural concern for unknown sites, any adverse effect on public access to and along the CMA and the possible effects on areas with high natural values. The requirements and standards elsewhere in the plan are not lessened by this rule.

#### TRANSFER OF PERMITS TO OCCUPY

**4.5.8B** The transfer of a permit for the occupation of space to another site in the Coastal Marine Area is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) The transfer does not result in a change of use associated with the permit or, where the existing permit does not describe a use or purpose, the use at the new location is the same as that usually associated with the original location.
- b) When transfer occurs at least 90% of the space transferred will be used for the purpose for which the transfer relates.
- c) Transfer does not occur between different management areas.

- d) Transfer does not result in a reduction of public access to and across the Coastal Marine Area.
- e) Any existing structures at the site where the currently occupied space is held can be removed as a permitted or controlled activity under this plan.
- f) All parties to the transfer agree to terms of the transfer, and these include an agreement relating to the removal of all structures associated with the existing site.
- g) Council is notified in writing prior to the transfer.
- h) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.<sup>22</sup>

**Footnote:** Any person wishing to exercise this rule in relation to the transfer of permits involving marine farming permits or spat-catching permits is strongly advised to consult with the Ministry of Fisheries prior to exercising any right conferred by this rule.

**(Explanation of the rule)** Notwithstanding the above, nothing in this section of this plan implies the granting of a resource consent for any other activity set out in Section 12 of the Resource Management Act (1991) should a permit to occupy space be obtained through transfer, and nothing in this section absolves the owners of existing structures of the responsibility for ensuring that existing structures legally occupy space in the CMA.

**Principal reason:** The principle reason for this rule is to provide a method of transferring consents to occupy space from inefficient to more efficient uses. The Coastal Environment is dominated by open space, is a public resource and is arguably utilised inefficiently. A huge number of existing structures exist and have no or limited use. This rule is supposed to encourage the transfer of permits to occupy from some of these lesser used structures to more efficient uses and result in a clean up of the coast. Many of the standards in this rule are similar to those used in the structures section and are primarily concerned with ensuring tangata whenua values are not undermined by transfer of occupation rights, that the values of a Protection Management Area are preserved and that existing (and presumably less efficient occupiers of space) are removed PRIOR to transfer. The latter is a matter for parties to negotiate over.

TEMPORARY EXCLUSIVE OCCUPATION OF SPACE FOR MILITARY OR CIVIL DEFENCE EXERCISES AND CULTURAL OR RECREATIONAL EVENTS  
**4.5.8C** The temporary occupation of space for a Military or Civil Defence exercise or a recreational or cultural activity which restricts or excludes public access to or across land of the Crown located in the Coastal Marine Area of the General Management Area is a **controlled activity** provided the following standards and terms are met.

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<sup>22</sup> **NB:** Information on which hapu is the kaitiaki for a particular site and how they can be contacted can be obtained from Runanga, Gisborne District Council, Te Puni Kokiri or the Department of Conservation.

Standards and terms:

- a) Any restriction or exclusion of the public from the Coastal Marine Area is for a period not exceeding two days.
- b) In the case of exclusion of access the exclusion is restricted to an area of 2ha. or less.
- c) Any exclusion does not prevent the use of boat ramps, public amenities or other structures.
- d) Any disturbance to the foreshore or seabed caused as a consequence of the occupation are no more than can be removed by two tide cycles.
- e) Public notice of the occupation is given in a local newspaper at least 10 working days prior to the activity occurring.

Council will restrict its control to limiting the direct or indirect adverse effects of the occupation of space on fragile ecosystems, public access to and along the CMA, and ensuring public safety.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.2, Chapter 4.6**

**Principal reason:** The adverse effects of a temporary event that meets the standards would be minor if suitable conditions are set.

#### ILLEGAL OCCUPATION

**4.5.8D** Any use or occupation of the Coastal Marine Area for which no permit has been granted under the Harbours Act, 1950 or the Resource Management Act, 1991 are unauthorised. Unauthorised occupation or use which was established prior to January 1, 1995 and which is located in the Coastal Marine Area is a **permitted activity for a period of two years** from the date of this plan becoming operative provided that the following standards and terms are met:

Standards and terms:

- a) The Gisborne District Council is notified in writing of the location, owner and purpose of the structure within 3 months of this Plan becoming operative.

**Principal reason:** This rule provides both Council and illegal owners with leeway to establish lawful status for occupations.

#### OCCUPATION OF SPACE A DISCRETIONARY ACTIVITY

**4.5.8E** Except as provided for in other rules of Chapter 4.5, any occupation of space involving Crown land within the Coastal Marine Area is a **discretionary activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.2, Chapter 4.6, Chapter 4.7**

**Principal reason:** This method ensures that occupation of space occurs in a fashion that is consistent with the policies for this chapter. The rule principally affects structures which are treated as discretionary or non-complying.

## OCCUPATION OF MORE THAN 10 HA

**4.5.8F** Any activity involving the occupation of Crown land in the Coastal Marine Area which:

- a. Would exclude or effectively exclude public access from areas of the Coastal Marine Area over 10 hectares;
- b. Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- c. Would involve the occupation or use of areas greater than 50 hectares of the Coastal Marine Area and such occupation or use would restrict public access to or through such area;

Is a **discretionary and restricted coastal activity** provided the following standards and terms are met:

Standards and terms:

The occupation or exclusion is for the purpose of protecting:

- a. Significant indigenous fauna, flora or significant habitats; or
- b. Maori cultural sites; or
- c. Historic sites.

Provided that:

If these standards and terms are not met the activity is a **non-complying and restricted coastal activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.2, Chapter 4.6, Chapter 4.7**

**Principal reason:** This is consistent with s1.9 of the NZCPS. The standards are designed to provide a vehicle for achieving the protection of Protection Management Area values should this be needed.

### THE LEGAL CONTEXT

#### **s12: Restrictions on use of coastal marine area**

- (1) No person may, in the coastal marine area,
  - (a) Reclaim or drain any foreshore or seabed; or
  - (b) Erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or
  - (c) Disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or

**3.3.4A** Council and Consent Authorities will give priority to avoiding the adverse effects of disturbance or alteration of the foreshore or seabed on:

- a) habitats important to the continued survival of indigenous species; and
- b) values associated with a Protection Management Area; and
- c) areas of strategic importance to aquatic species, including but not limited to whitebait spawning areas, marine mammal haul-out areas and fish spawning areas.

Where complete avoidance is not practicable, the adverse effects on (a), (b) and (c) above should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation:** This policy applies to all activities that alter or disturb the foreshore or bed. The policy is intended to direct dredging and dumping activities away from important habitats, and to highlight the need to endeavour to avoid adverse effects.

The term “areas of strategic importance” refers to areas that may be limiting to the growth of an organism or important in terms of the life cycle of that species.

**Principal reason:** Policy 1.1.2 of the NZCPS contains similar provisions and this policy is needed to ensure consistency with the NZCPS. Policy 3.2.2 of the NZCPS establishes that priority should be given to “avoidance”.

**3.3.4B** To ensure that the extraction of material from the foreshore or bed of the CMA does not result in a reduction in the stability of dunes and other fragile ecosystems and, in particular, to:

- ensure extraction from Poverty bay near the Waipoa River Mouth does not adversely affect the stability of the foreshore or dunes there; and
- prevent sand extraction from Wainui beach, Kaiti Beach and Tolaga Bay.
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**Explanation:** This policy is more specific than policy A and is designed to apply an appropriate level of control to regionally important areas of sand extraction. The specific provisions of the policy are designed to ensure that sand extraction does not increase the risk to life or property through increased risk from coastal hazards.

**Principal reason:** This policy is consistent with Policy 1.1.2 (c) of the NZCPS.

**3.3.4C** To ensure that activities that alter or disturb the foreshore or bed of the CMA do not adversely affect the natural character of the Coastal Environment by:

- protecting the integrity and functioning of sediment transport processes; and
- ensuring that measures are taken to mitigate any adverse effects an activity may have on the biodiversity of an area; and
- Ensuring beach replenishment activities use sand or other natural materials that is compatible with the natural character and geophysical processes of the area.

**Explanation:** This policy aims at protecting aspects of natural character that are likely to be adversely affected by activities that disturb or alter the foreshore or bed. The policy will require an assessment of measures taken to contain or lessen the effects of an activity.

**Principal reason:** This policy reflects a matter of national importance in the RMA and is also consistent with part of Policy 1.1.4 of the NZCPS. The potential for natural character to be diminished by insensitive activities in the CMA is considered significant.

**3.3.4D** To require activities that have the effect of disturbing or altering the foreshore or seabed of the CMA to avoid, so far as is practicable, adverse effects on amenity values of the CMA by:

- Avoiding the visible disturbance or alteration of the foreshore or seabed of the CMA in areas that are characterised by open space.
- Recognising and providing for the amenity values arising from the natural character of the Coastal Environment.

**Explanation:** Some activities that disturb or alter the foreshore or bed of the CMA involve heavy machinery and other forms of development. The presence of this type of development can diminish people's perceptions of the Coastal Environment and thus should be avoided where possible.

**Principal reason:** The NZCPS in policies 3.1.3 and 3.2.2 directs this plan to contain the above provisions.

**3.3.4E** To recognise the ability of beaches and sand dunes to protect subdivision use and development by:

- not allowing activities that will destabilise dune systems adjacent to existing or proposed subdivision, use or development; and
- encouraging activities that enhance the stabilisation of dune systems.

**Explanation:** This policy is designed to facilitate coastal management which recognises that dune systems can protect human investment. In particular, the policy has relevance to the Waikanae and Midway beaches where beach grooming has the potential to compromise the process of dune stabilisation.

**Principal reason:** Policy 3.4.3 of the NZCPS states the plans should contain this type of provision.

**3.3.4F** To ensure that the material used in any reclamation, or constituent of any dumping does not contain contaminants that, in the quantities dumped, having regard to cumulative and synergistic effects, will result in any of the following:

- the death of organisms by toxic contamination
- the bioaccumulation of heavy metals in organisms
- the rendering of nursery areas and feeding grounds unsuitable for dependant species.
- the localised depletion of dissolved oxygen as a result of increased biological activity.

**Explanation:** This policy protects the Coastal Environment from the dumping of toxic waste. In particular the policy is supposed to ensure that the CMA does not become a dumping ground for peoples rubbish. Reference should be made to s107 RMA when reading this policy.

**Principal reason:** The policy picks up on Policy 4.1.4 and 5.1.3 of the NZCPS and also provides a linkage with s70 of the RMA (discharges). The purpose of the

linkage is to ensure that an effect that is expressly dealt with in one part of the RMA does not occur through classifying an activity in another way.

**3.3.4G** To ensure activities that alter or disturb the foreshore or bed of the CMA are not located in<sup>23</sup> sites of cultural, conservation or historical significance unless it can be demonstrated that the adverse effects of locating there are minor.

**Explanation:** The reason for this policy is to ensure the provisions of the Act are met in respect of s6(e), 7(a) and s8, and also to ensure that values special enough to be included in a Protection Management Area are protected. In particular the policy requires protection of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

**Principal reason:** The protection of cultural values and special sites are closely linked and need recognition in a policy.

**3.3.4H** To ensure that the alteration or disturbance of the foreshore or bed of the CMA avoids adverse effects on the values identified within or protected by a Protection Management Area to the extent practicable. Where complete avoidance is not practicable then the adverse effects on such values should be mitigated and provision made for remedying those effects to the extent practicable.

**Explanation:** The Protection Management Area contains values that are very important to the sustainable management of resources in the Gisborne Region. Those values need to be protected to achieve the purpose of the Resource Management Act and this policy achieves that level of protection.

**Principal reason:** This policy is needed to protect the integrity of those values identified as needing protection in a Protection Management Area.

**3.3.4I** To have regard of alternatives to reclamations or activities that alter the foreshore or bed of the CMA and applicants reasons for the activity when considering applications for coastal permits.

**Explanation:** The purpose of this policy is to require an assessment of alternatives and reasons for an activity in the CMA

**Principal reason:** Policy 4.1.6 of the NZCPS requires that plans stipulate that regard be had of alternatives to these activities. The above policy gives effect to the NZCPS.

**3.3.4J** Council and Consent Authorities should adopt a precautionary approach in assessing the effects on the environment arising from the alteration or disturbance of the foreshore or seabed of the CMA where the effects are:

- (i) unknown; or
- (ii) little understood.

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<sup>23</sup> Port Gisborne Consent Order 742/00

**Explanation:** The purpose of this policy is to complement NZCPS policy 3.3.1. A precautionary approach means that where scientific uncertainty exists as to the effects of an activity the consent authority should make a decision where any benefits fall on the side of the environment.

**Principal reason:** This policy is required in order to be consistent with the NZCPS. The types of activity dealt with under this chapter are quite likely to require application of the precautionary principle.

**4.5.9L** The deposition of sand, shingle, or other natural material derived from any maintenance dredging operation to the Coastal Marine Area of the General Management Area is a **discretionary activity** provided the following standards and terms are met.

Standards and terms:

a) The volume of material deposited is less than 50,000 cubic meters in any 12 month period.

Provided that:

If the above standard is not met the activity is a **discretionary and restricted coastal activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.3, Chapter 4.6, Chapter 4.7**

**Principal reason:** The effects of deposition can be significant. This rule is necessary in order to allow an assessment of the effects of the activity.

**3.7.2A** Exotic plants, when introduced to a new environment, can have adverse effects which are irreversible and difficult to predict.

**3.7.3A** No adverse effects to the Coastal Marine Area as a consequence of managing the introduction of exotic or introduced plants to the Coastal Marine Area.

**Principal reason:** This objective encapsulates a number of areas of concern into one succinct statement. The potential for adverse effects is a prime concern.

**3.7.4A** To recognise the inappropriateness of introducing exotic plants to locations in the Coastal Environment containing:

- (a) significant indigenous flora; or
- (b) significant habitats of indigenous fauna (where these are dependant on indigenous flora or are threatened by exotic flora); or
- (c) areas of high natural character values; or
- (d) areas of high cultural values.

**Explanation:** Exotic plants have the potential to seriously threaten natural character and plant and animal habitats. This policy is necessary to protect those values.

**Principal reason:** These values are highly susceptible to the effects of exotic plants and should be protected from these effects.

**4.5.12A** The introduction of exotic plants to an area of the Coastal Marine Area that already contains established plants of that species is a **discretionary activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.7, Chapter 4.6**

**Principal reason:** This rule is necessary to ensure that the possible adverse effects of a new plant being introduced are fully assessed. This rule reflects potential costs that would fall upon the community should the adverse effects be significant.

**4.5.12B** The introduction of exotic plants to an area of the Coastal Marine Area that does not already contain established plants of that species is a **non-complying and restricted coastal activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.7, Chapter 4.6, Chapter 4.7**

**Principal reason:** This rule is necessary to ensure that the possible adverse effects of a new plant being introduced are fully assessed. This rule reflects potential costs that would fall upon the community should the adverse effects be significant.

**4.5.12C** Notwithstanding 4.5.12A and 4.5.12B above, the planting of noxious plants or class B target plants within the Coastal Marine Area is a **prohibited activity** for which no Resource Consent will be granted.

**Principal reason:** This rule reflects the established costs of introducing these plants and ties this chapter of the plan in with existing statutory documents.

### 3.4.2 ISSUES

**3.4.2A** A significant amount of contaminants enter the CMA through diffuse sources and cannot be effectively controlled in the short term.

**3.4.2B** The discharge of contaminants to air, land or water can result in adverse effects in the following:

- a) peoples perceptions of the amenity of the Coastal Environment
- b) natural character of the Coastal Environment
- c) coastal flora and fauna
- d) Maori perceptions of the Mauri of water
- e) recreational opportunity
- f) the health of people exposed to contaminants

**3.4.2C** Uncertainty, high costs and long time frames associated with improving the water quality and reducing the quantity of contaminants discharged to the Coastal Environment can also diminish people's perceptions of amenity.

### 3.4.3 OBJECTIVES

**3.4.3A** To maintain or where practicable enhance the physical and cultural quality of air, water (including that found in aquifers) and land in the Coastal Environment.

**Principal reason:** Policy 5.1.1 of the NZCPS states that rules should be made as soon as possible with the object of enhancing water quality. This objective is necessary to establish a basis for monitoring water quality and will be achieved in the first instance through improvements to existing point source discharges and in the longer term through improved land management practices.

**3.4.3B** The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.

**Principal reason:** While there is significant concern for the adverse effects caused by existing discharges, in particular with the sewerage system outfall in Poverty Bay, there is recognition that realistically improvements need to be staged. However, there is evidence that the community want to see a real commitment and progress to attaining improved water quality.

**3.4.3C** Avoidance, where practicable of the adverse effects of discharges to air, land or water on the natural character and amenity of the Coastal Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.

**Principal reason:** This objective meets the requirements of Section 6(a) and 7(c) of the Resource Management Act 1991 and is consistent with Policy 3.2.2 of the New Zealand Coastal Policy Statement.

### 3.4.4 POLICIES

**3.4.4A** Water quality of the Coastal Marine Area between Pariokonohi Point and Young Nicks to approximately 2 Kilometres offshore will be managed to accommodate the following purposes:

- (a) SA - Water managed to afford all water values the highest protection.
- (b) SB - Water managed for contact recreation (to at least provide for low health risks while bathing) while also protecting ecosystem values.
- (c) SC - Water managed to at least provide for low risk occasional human contact whilst protecting ecosystem values.
- (d) SD - Water managed to at least protect organisms from death by toxic discharge and prevent fouling of fishing grounds.

Refer: Method 3.4.5L for Water Quality Standards.

**Explanation:** This policy establishes that the Coastal water between the points named in the policy will be managed according to the uses described in the policy. This means that different requirements may be prescribed to discharges occurring

in different areas. It should be noted that some waterways in the Coastal Environment are also classified.

**Principal reason:** This policy is necessary to reinstate existing water classifications pursuant to Section 69(2) of the Resource Management Act 1991.

**3.4.4 B** Council will seek to enhance Poverty Bay water quality through:

- (a) Phased improvement over a period of time in the quality of wastewater discharge from the city outfall including monitoring and controlling the quality of trade wastes from commercial and industrial premises.
- (b) Continued encouragement of on-site treatment of effluent prior to discharge particularly within the horticultural processing sector.
- (c) Ongoing commitment to continued upgrading, where necessary, of infrastructure to manage the quality of urban runoff.
- (d) Ongoing commitment to the management and improvement of rural runoff via strategies and via rules in District and Regional Plans.

**Explanation and principal reason:** Water quality in Poverty Bay will need to be improved if the purpose of the Act is to be met. A Wastewater Strategy adopted by the Gisborne District Council in 2002 will go some way towards achieving an enhancement in water quality in the long term. It is evident that the City outfall is only one source of contamination with discharges from the Waipaoa and Turanganui Rivers playing a part in addition to other factors Council is unable to control. The Coastal Marine Area water quality issue needs to be tackled holistically if water quality is to be enhanced. This will require Council and community commitment on a number of fronts and will need to take into account the economic situation of the community and their ability to pay for the upgrade, social issues and physical feasibility of potential improvements.

**3.4.4C** Council will develop and implement a risk based approach to managing coastal water quality, that:

- i) Identifies and evaluates the risks of a particular use or from a particular activity to human health or the environment;
- ii) Defines a programme of works or actions (with timeframes) to mitigate any adverse effects of uses or activities;
- iii) Includes ongoing monitoring after completion of any mitigation works or actions to determine whether risks are at an acceptable level or if further mitigation is required; and
- iv) Defines trigger levels at which specified management responses will be undertaken.

The risk-based approach includes a three tier strategy for monitoring coastal water quality (refer to Method 3.4.5F).

**3.4.4D** The Consent authority shall not grant a permit for a discharge to water of the Coastal Marine Area which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:

- (a) exceptional circumstances justify the granting of the consent;
- (b) or the discharge is of a temporary nature and will not result in adverse effects that are cumulative; or
- (c) the discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge; and the discharge will not result in adverse effects that are cumulative;
- (d) or the existing water classification can be demonstrated to be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality.

**Explanation:** This policy establishes the validity and effect of the water classifications adopted in this Plan (refer Method 3.4.5L and Appendix 7). The exceptions provided allow some discretion to exceed the standards but only in limited circumstances. This policy must be read as being ancillary to Section 107 of the Act and can only be applied within the constraints of that Section.

**Principal reason:** The Gisborne District RPS envisages continued use of water classification as an appropriate management tool.

**3.4.4E** A discharge of human sewage, excluding discharges of Human Sewage from ships, direct into the water of the Coastal Environment, that does not pass through land, shall only occur where:

- a) It better meets the purpose of the Act than disposal onto land; and
- b) There has been consultation with the tangata whenua in accordance with Tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and
- c) There has been consultation with the community generally.

**Explanation:** This policy applies to discharge of human sewage to waters in the Coastal Environment except those arising from vessels. In practice, it would be applied to the Gisborne City outfall after the expiry of the existing consent. Discharges from vessels are dealt with in the Resource Management (Marine Pollution) Regulations 1998 rather than in Rules in the Regional Coastal Environment.

**Principal reason:** This policy is designed to give effect to policy 5.1.2 of the New Zealand Coastal Policy Statement in regard to the Gisborne sewerage system outfall and other discharges of human sewage outside of a Protection Management Area.

**3.4.4F** The Consent authority shall not permit the discharge of human sewage direct to the CMA of a protection management area unless it can be demonstrated that the adverse effects of the discharge will be minor. In particular the consent authority will have regard of the effects of the discharge on:

- a) The Mauri of the receiving environment.
- b) The potential impacts the discharge will have on actual or perceived amenity values of the receiving environment.
- c) Any values protected or sought to be protected by the Protection Management Area, including any adverse effect on the natural character of the Protection Management Area.

**Explanation:** The policy is self-explanatory and precludes the direct discharge of effluent to a Protection Management Area except in exceptional circumstances.

**Principal reason:** Policy 5.1.2 of the NZCPS establishes that such a discharge may only occur in limited circumstances. On the basis of consultation with Maori and having regard of the regional importance of protection management areas the direct discharge of effluent to these areas will be carefully assessed.

**3.4.4G** The discharge of a contaminant (either by itself or in combination with other discharges) directly into the coastal marine area should only be allowed in circumstances where:

- a) The existing water quality is maintained and where appropriate enhanced;
- b) The effects on the community of not allowing the discharge would not promote the social and economic wellbeing of the community; or
- c) The discharge to an alternative receiving environment would create a greater adverse effect than the proposed discharge to sea.

**Explanation and principal reason:** There is a requirement within the legislation that quality of water will at least be maintained with an expectation that it will be enhanced. Water quality in the Coastal Marine Area is affected by both point and non-point discharges. In the short term there are no economically affordable means of immediately resolving the issues. Hill country runoff quality will be extremely difficult to effectively improve. There needs to be a short to medium term tolerance of the various discharges but this tolerance is coupled to a firm commitment to enhancing water quality. The Gisborne District Council has made this commitment by implementing a Wastewater Strategy for Gisborne City and other strategies for catchment management including controls on vegetation clearance, earthworks and pest management.

Discharges should not be permitted in other locations where the adverse effect of the discharge will be greater than the discharge to sea.

**3.4.4H** All discharges of contaminants to water, land or air of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:

- a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant; and

- b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.

**Explanation:** This policy sets a minimum descriptive standard for discharges (other than discharges from vessels which comply with the provisions of MARPOL 73/78) of contaminants to the Coastal Environment.

**Principal reason:** This policy is a requirement of Policy 5.1.3 of the New Zealand Coastal Policy Statement. The Australian Water Quality Guidelines for Fresh and Marine Water, Nov. 1992 provide details of thresholds at which fish mortality may occur.

**3.4.4I** Particular regard will be given to avoiding the adverse effects of discharges that:

- a) do not readily degrade in the Coastal Environment into harmless forms; or
- b) have the potential, once discharged into the Coastal Environment, to be transformed into a more toxic form; or
- c) when combined with other contaminants, have serious synergistic effects; or
- d) have poorly understood effects.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation:** Contaminants that have these properties can have serious and long-term adverse effects on the Coastal Environment. Extra caution will be adopted when considering applications for land use, or discharges involving these contaminants.

**Principal reason:** The NZCPS requires use of a precautionary principal (NZCPS Policy 3.3.1) and throughout addresses the importance avoiding adverse effects.

**3.4.4J** Maintain and where practicable, enhance amenity values in the following locations:

- a) Locations with a high public interest or public use of water except for the Port Management Area
- b) Locations with a particular tangata whenua interest in the water
- c) Places where food is regularly gathered
- d) Places which can be demonstrated to be regionally important in respect of the amenity they provide and which may include:
  - i. Important scenic sites; and
  - ii. Important recreation sites; including sites that may be used for active recreation such as surfing, swimming or fishing; or passively used sites which may be appreciated for their relative ease of access, scenic beauty or seclusion; and

- iii. Sites which contain a special mix of built and natural amenity values which combine to enhance people's perception of amenity.

For the purposes of this Policy, the Port Management Area includes the area set out in Appendix 2, Map Series 2B.1 and 2B.2. Within the Port Management Area, the dredge dump areas are excluded from amenity considerations in relation only to the deposition of dredge spoil and its discharge, and not in relation to any other discharge or deposit.<sup>24</sup>

**Explanation:** This policy establishes the very important role people's values play in respect of the effects of discharges into the Coastal Environment. The purpose of the Resource Management Act includes providing for peoples economic, cultural, spiritual well-being and directs particular regard to be had of maintaining or enhancing amenity. This policy implements that requirement by giving priority to the protection of the amenity in areas that are already well recognised for their amenity.

**Principal reason:** The Coastal Environment is central to the feeling of well being of many people in the Gisborne District. A majority of the population derive recreation or leisure experiences from the coast and any significant erosion of people's perceptions of the amenity of the coast would compromise achieving the purpose of the Resource Management Act. The NZCPS in policies 5.1.1 to 5.1.7 establishes the need for high water quality and in policy 3.1.2 establishes the need to protect significant amenity sites.

**3.4.4K** The Council will consult fully with the community and will have regard to community expectations for coastal water quality when:

- a) setting minimum standards for water quality in the Coastal Environment;
- b) providing works or services involving a discharge to waters in the Coastal Environment.
- c) reviewing options for the treatment and ultimate disposal of Gisborne City sewage.
- d) in other situations where it is reasonable to believe that the wider community stands to be affected by the works.

**Explanation:** The Council is stating that when it is engaged in important water quality works the community will be consulted.

**Principal reason:** Water quality issues are inextricably linked to human expectations. Policies 5.1.1 & 5.1.2 of the NZCPS establish the importance of community consultation; this policy is necessary to ensure consultation does occur and the results of the process are given due weight.

**3.4.4L** The storage, manufacture, use or disposal of potential chemical contaminants in the Coastal Environment, should be avoided where, after having regard to alternative locations, or methods of containment, including location requirements, design specifications, national and industry guidelines and relevant

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<sup>24</sup> Port Gisborne Consent Order 742/00

codes of practice, avoidance is the best practicable option for preventing a possible containment failure, or possible cumulative minor discharges, which could give rise to significant adverse effects on habitats, feeding grounds or ecosystems.

**Explanation:** New facilities such as landfills, petrochemical stores, timber treatment plants and other significant sources of potential contamination will be required to locate outside the Coastal Environment unless it is not practicable to do so.

**Principal reason:** The Coastal Environment is frequently sensitive to the adverse effects of contamination. Containment and implementing remedial action should spills occur can be very difficult and for this reason risky activities should not locate in the Coastal Environment.

**3.4.4M** The Council shall minimise the practical uncertainty created by the use of the terms 'reasonable mixing' and 'natural perturbations' by:

- a) requiring applicants for discharges water of the CMA to assess dispersion and mixing characteristics for their discharge in the receiving environment; and
- b) based upon the dispersion and mixing characteristics of the discharge defining, on a case by case basis, a zone that will be used for the discharge as the reasonable mixing zone.

**Explanation:** The application of these terms is required in applying the standards in sections 70 and 107, and the Third Schedule of the Act.

**Principal reason:** The effects of uncertainty as to the extent or effects of a mixing zone - both administratively and in respect of public confidence needs to be minimised if the provisions of this plan are to be useful. A case by case approach is necessary as "reasonable mixing" is undefined in the RMA yet pivotal to assessing breach or otherwise of permit conditions.

**3.4.4N** Adverse effects that arise from vessel discharges and maintenance shall be avoided or mitigated by, among other things:

- a) Ensuring adequate measures are taken to prevent contaminants from vessel maintenance entering the CMA; and
- b) In appropriate circumstances, requiring applicants for Resource Consents within the Port Management Area, as a condition of the consent pursuant to Section 108 of the Resource Management Act 1991, to provide facilities to collect rubbish or sewage from vessels at Port Gisborne. Where appropriate, such collection facilities should be designed so that they can be used by self contained vehicles complying with NZS 5465:1990; and
- c) Encouraging the provision of facilities for collection of the residues of vessel maintenance at all places where vessel maintenance regularly occurs and requiring all new vessel maintenance facilities to provide such facilities or have available the appropriate services.

**Explanation:** The Council will use various methods to encourage the responsible disposal of wastes from vessels. However, complete avoidance of adverse effects is unlikely to be achieved.

**Principal reason:** Policy 5.2.1 of the NZCPS requires the provision of these things at ports, marinas and other busy areas.

**3.4.4O** The discharge to land of liquid wastes which contain high levels of organic waste, contaminants that are likely to be toxic to organisms living in the receiving environment, or other wastes the effects of which are either uncertain or likely to be adverse to the receiving environment shall be avoided in or adjacent to the following locations:

- a) areas aquifers recharge from
- b) surface or groundwaters
- c) the margins of lakes, rivers, streams, wetlands or estuaries.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation:** The disposal of effluent to land is generally preferable to disposal in the Coastal Marine Area or rivers, lakes and streams. The policy is necessary to ensure that disposal of waste does not have unnecessary adverse effects (inevitably there will be some).

**Principle reason:** This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable, consistent with Policy 3.2.2 of the NZPS. This policy also implements the precautionary principle requirements of the NZCPS (Policy 3.3.1 of the NZCPS).

**3.4.4P** The adverse effects of the discharge of wastes to land of the Coastal Environment shall be avoided by:

- a) Ensuring that the cumulative effects of discharges to land are fully assessed.
- b) Requiring waste treatment facilities to contain adequate provisions to avoid the escape of untreated effluent to the Coastal Environment during emergencies.
- c) Ensuring that waste which contains toxic contaminants is adequately sealed to prevent leakage into soils, waterbodies or the Coastal Marine Area.
- d) Avoiding locating discharges in areas of high amenity or natural character.
- e) Avoiding locating waste disposal sites where they are prone to inundation or other natural hazard.
- f) Requiring the remediation of waste disposal sites at the end of their useful lives.
- g) Ensuring solid waste disposal sites are sufficiently landscaped to avoid detracting from local amenity and the natural character of the Coastal Environment.

Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

**Explanation:** While standards exist for part of the Coastal Marine Area with respect discharges there, none exist above MHWS. This policy establishes minimum requirements for land disposal of wastes (note: more general policies above address this area also). These provisions should be read in conjunction with the WM&HSP.

**Principal reason:** This policy is necessary to ensure that measures are taken to avoid, remedy or mitigate adverse effects that are reasonably foreseeable.

**3.4.4Q** Air quality in the CMA must not exceed the following guidelines:

Indicator Level	Guideline	Averaging Time	Method of Measurement
<b>Deposited Particulate</b>	<b>4 g/m<sup>2</sup></b>	<b>30 days</b>	ISO/DIS 4222.2-1980
<b>Inhalable Particulate (PM<sub>10</sub>)</b>	<b>40 µg/m<sup>3</sup></b>	<b>Annual Mean</b>	AS 3580.9.6-1990
	<b>120 µg/m<sup>3</sup></b>	<b>24 Hour Mean</b>	AS 3580.9.7-1990
Sulphur Dioxide	<b>50 µg/m<sup>3</sup></b>	<b>Annual Mean</b>	AS 3580.4.1-1990
	<b>125 µg/m<sup>3</sup></b>	<b>24 Hour Mean</b>	
	<b>350 µg/m<sup>3</sup></b>	<b>24 Hour Mean</b>	
	<b>500 µg/m<sup>3</sup></b>	<b>10 Minute Average</b>	
Carbon Monoxide	<b>10 µg/m<sup>3</sup></b>	<b>8 Hour Mean</b>	AS 3580.7.1-1992
Nitrogen Dioxide	<b>100 µg/m<sup>3</sup></b>	<b>24 Hour Average</b>	AS 3580.5.1-1993
	<b>300 µg/m<sup>3</sup></b>	<b>1 Hour Average</b>	
Lead	<b>0.5-1.0 µg/m<sup>3</sup></b>	<b>3 Month Moving Average</b>	AS 2800 – 1985
Fluoride			
Special Land Use	<b>1.8 µg/m<sup>3</sup></b>	<b>12 hour</b>	AS 3580.13.1-1993
	<b>1.5 µg/m<sup>3</sup></b>	<b>24 hour</b>	AS 3580.13.2-1991
	<b>0.8 µg/m<sup>3</sup></b>	<b>7 day</b>	
	<b>0.4 µg/m<sup>3</sup></b>	<b>30 day</b>	
	<b>0.25 µg/m<sup>3</sup></b>	<b>90 day</b>	
General Land Use	<b>3.7 µg/m<sup>3</sup></b>	<b>12 hour</b>	AS 3580.13.1-1993
	<b>2.9 µg/m<sup>3</sup></b>	<b>24 hour</b>	AS 3580.13.2-1991
	<b>1.7 µg/m<sup>3</sup></b>	<b>7 day</b>	
	<b>0.84 µg/m<sup>3</sup></b>	<b>30 day</b>	
	<b>0.5 µg/m<sup>3</sup></b>	<b>90 day</b>	
Conservation Areas	<b>0.1 µg/m<sup>3</sup></b>	<b>90 day</b>	AS 3580.13.1-1993
			AS 3580.13.1-1991
Hydrogen Sulphide		<b>30 minute</b>	AS 3580.8.1-1990

Landuse Affected by Natural Emissions	70 $\mu\text{g}/\text{m}^3$	Average	
Landuse Unaffected by Natural Emissions	7 $\mu\text{g}/\text{m}^3$	30 minute average	AS 3580.8.1-1990
Ozone	150 $\mu\text{g}/\text{m}^3$ 100 $\mu\text{g}/\text{m}^3$	1 hour average 8 hour average	AS 3580.6.1-1990
Visibility	20 kms	1 hour	AS 2724.4-1987

Note:  $\mu\text{g}/\text{m}^3$  micrograms per cubic metre of air  $\text{g}/\text{m}^3$  grams per square metre of a surface  $\text{mg}/\text{m}^3$  milligrams per cubic metre of air  
Special landuse involves those areas where there are commercially valuable plants.

Conservation Landuse involves those native areas of recreational or cultural significance or areas where the susceptibility of species is unknown.

**Explanation:** These air quality guidelines provide a quantitative basis for decision making and are based upon guidelines provided by MfE. It is highly unlikely that these guidelines would ever be exceeded; their inclusion ensures some consistency across the line of MHWS.

**Principal reason:** These guidelines are included in the Regional Air Quality Plan and are necessary to ensure integration with that plan occurs.

### 3.4.5 METHODS

**3.4.5A** Rural and urban land use activities will be encouraged to adopt practices that minimise the use or creation of potential contaminants, and reduce the quantity of contaminants entering land, air or the waters of the Coastal Environment.

**3.4.5F** The Council will develop and implement a three tier monitoring strategy that shall provide for the monitoring of coastal water quality at three distinct levels:

#### **Resource Use**

a) Activities requiring resource consents will be subject to effects monitoring programmes established through conditions of a resource consent(s) for the following purposes:

\* To compare water quality against the predictions in the environmental effects assessments submitted in support of a consent application or otherwise considered in the granting of a consent, and to establish the effectiveness of the

methods proposed by a consent holder or otherwise imposed on the consent to manage or avoid adverse effects.

\* For activities having the potential to create more than minor adverse effects on the environment, to require a contingency plan that will determine what additional measures (if any) may need to be undertaken to redress adverse environmental effects.

\* To determine the need to review conditions of a resource consent.

### **Suitability of Waters**

b) To develop and implement a risk-based approach in the evaluation of various environmental parameters in terms of the on-going monitoring of appropriate indicators, including those specifically relevant to water classification standards where applicable. Reporting processes on the environmental aspects shall identify risk levels and whether those risks are acceptable for the use of the environment or whether the risks need to be reduced.

### **State of the Environment Reporting**

c) State of the Environment monitoring provides for a general overview of the state of coastal waters. As far as possible, reporting will draw on the results of the monitoring regimes discussed above. Monitoring of other parameters to assess aspects such as visual or life-supporting capacity and other data/assessment regimes may be used.

### **Principal reason:**

**Resource use** Activities requiring resource consents (i.e. the outfall discharge or a marine farm) will be subject to effects monitoring programmes established through conditions of a resource consent(s). These programmes will be used to compare water quality against the predictions in the environmental effects assessments considered in support of a resource consent application or otherwise considered in the granting of a consent. The monitoring programmes (funded by the holder of a resource consent) will establish how well the methods proposed by a consent holder, or imposed on a consent to manage or avoid adverse effects, actually work. Some activities may also be subject to a contingency plan that will determine what additional measures (if any) may need to be undertaken to redress adverse environmental effects. In certain situations monitoring results will enable the Council to instigate a review of the conditions of a resource consent. This process would provide the opportunity to strengthen consent conditions if necessary.

**Suitability of Waters** This risk-based approach has the advantage of being more flexible in its operation while still achieving environmental outcomes that will be consistent with general community expectations. Importantly, it represents a move away from a rigid, numerically based standards approach that is unable to adequately accommodate influences beyond the control of consent holders. For instance, river discharges following high rainfall can cause dramatic reductions in coastal water quality. It is not appropriate for consent holders to be held accountable in those situations where natural processes have a major influence on water quality. Areas subject to higher recreational use such as swimming beaches will be subject to higher water quality standards than some other coastal waters. Relevant indicators will usually be based on recognised health standards

(e.g. enterococci or faecal coliform levels), although other indicators may also be used.

**State of the Environment** State of the Environment reporting provides information for the purposes of longer term trends and planning strategies.

**3.4.5H** The most appropriate indicator organisms will be to assess recreational and shellfish water quality.

Suspended sediment is assessed in the most appropriate manner to consider visual effects and life supporting capacity.

The following guidelines will be taken into account in meeting the requirements of the water quality standards and implementing the risk-based approach to managing coastal water quality:

\* The Australian and New Zealand Environmental Conservation Council (ANZECC) Guidelines for Fresh and Marine Water Quality Guidelines 2002 or any subsequent replacement document.

\* Any current version of the Microbiological Water Quality Guidelines produced by the New Zealand Ministry of Health and Ministry for the Environment or any subsequent replacement document.

**Principal reason:** Currently Enterococci and faecal coliforms form the basis of the Council's existing monitoring programme and are used in risk-based assessment. These indicator organisms are simple to measure, have an established historic record that enables the comparison of trends and provides a basis for State of the Environment monitoring, however the best parameters to indicate water quality can change over time.

#### 4.3.7 Rules for Discharges

**4.3.7A** As from the 1<sup>st</sup> of July 2000 the discharge of untreated sewage, from an off-shore installation within the internal waters of Poverty Bay within 1000 metres seaward of mean high water springs is a **prohibited activity** for which no Resource Consent will be granted.

**Principal reason:** The Resource Management (Marine Pollution) Regulations 1998 regulate the discharges of treated and untreated sewage from vessels and offshore installations. The Regulations prohibit such discharges closer than 500 metres from the shoreline. Clause 11(3) of Part 3 of the Regulations provides that, from the 1<sup>st</sup> of July 2000, Councils may increase the distance seaward within which no person may discharge sewage into the CMA. Poverty Bay is the major water recreation beach in Gisborne and is used by various forms of water recreation. It is considered that the Regulations provide adequate controls over the discharges of sewage from vessels. However, the actual or potential adverse effects relating to such discharges from offshore installations are considered to warrant a more stringent level of control.

#### BURNING PLANT OR ANIMAL MATTER

**4.3.7B** Except as provided for in the Resource Management (Marine Pollution) Regulations 1998, the discharge of contaminants to air of the Coastal Marine Area from the burning of plant or animal matter within the CMA, but excluding the burning of treated timbers, is a **permitted activity** provided the following standards and terms are met:

Standards and terms

- a) The plant or animal matter arises from the Coastal Marine Area.
- b) The burning does not result in an adverse effect in any adjacent site or vessel which is offensive or objectionable

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

**Principal reason:** In some circumstances it may be necessary to burn waste materials that accumulate on beaches.

This rule permits that activity subject to certain standards being met and will not result in significant adverse effects. (Note this rule applies to the Coastal Marine Area - the Regional Air Plan deals with land above MHWS).

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

OTHER PERMITTED ACTIVITIES; HYDROCARBON BURNS, FUMIGATION, AQUACULTURE DISCHARGES TO AIR

**4.3.7C** The discharge to air of contaminants associated with the burning of hydrocarbons in the CMA following a hydrocarbon spillage, or the fumigation of goods in the CMA is a **permitted activity** provided the following standards and terms are met:

Standards and terms

- a) The activity does not result in odour in a residential area, park or reserve which is objectionable or offensive.
- b) Council is notified prior to any oil burn.
- c) Measures to contain and reduce the volume of spilled material have been exhausted.
- d) In the case of fumigation the activity does not involve the use of ethylene dibromide, methyl bromide or hydrogen cyanide.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

**Principal reason:** The discharge of contaminants to air from the activities listed in this rule are either minor or infrequent but must occur on an urgent basis when they occur. The adverse effects of this rule will be minor and could, in the case of fumigation and oil spill reaction, be beneficial.

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

GENERAL DISCHARGES

**4.3.7D** All discharges to water of the coastal marine area not more specifically addressed elsewhere by rules in this plan or the Resource Management (Marine

Pollution) Regulation 1998, excepting storm water discharges, are a **discretionary activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

**Principal reason:** Quantitative standards for the discharge of contaminants into the CMA are lacking for NZ waters. While standards do exist in other countries it is not considered appropriate to incorporate them into this plan.

#### STORM WATER DISCHARGES

**4.3.7E** The discharge of stormwater runoff to the Coastal Marine Area is a permitted activity provided that the following standards and terms are met:  
Standards and terms:

- a) The activity shall not cause any permanent:
  - (i) Reduction of the ability of the receiving channel to convey flood flows;
  - (ii) Scouring of the foreshore or seabed as a consequence of the discharge.
- b) The discharge shall not cause the production of conspicuous oil or grease films, scums, or foams, or floatable or suspended materials in any receiving water after reasonable mixing.
- c) The discharge shall, after reasonable mixing, meet the water quality standards, prescribed for the waters into which the discharge is to occur, by the Water Classifications set out in Policy 3.4.4A, Method 3.4.5L and Appendix 7 of this Plan

Provided that:

If any of the Standards and Terms are not met then the discharge of stormwater runoff to the CMA is a **non-complying activity**.

**Principal reason:** Stormwater runoff into the CMA is an inevitable consequence of urban development. Stormwater can contain heavy metals, oils/ greases and silts; the standards in this rule exist to ensure that measures are taken, where appropriate, to reduce the quantity of these.

#### OTHER DISCHARGES TO AIR

**4.3.7F** Any discharge of contaminants to air of the Coastal Marine Area not specifically addressed elsewhere in this plan or in the Resource Management (Marine Pollution) Regulations 1998 is a **discretionary activity**.

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

#### SEWAGE DISCHARGES

**4.3.7G** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999 and Rule 4.3.7A, any discharge of human sewage into the

Coastal Marine Area is a **discretionary activity** provided that the following standards and terms are met.

Standards and Terms

- a) The discharge occurs more than 1000m offshore.
- b) The sewage has passed through soil or a wetland prior to entering the Coastal Marine Area.
- c) The applicant for the discharge does not propose to rely on Section 107(2)(a) of the Resource Management Act 1991 in order to obtain consent.
- d) The discharge does not occur in any harbour, estuary, inlet or embayment.
- e) The discharge, after reasonable mixing, shall not result in:
  - the production of conspicuous oil or grease films; or
  - the production of any scums or foams; or
  - the production of any floating or suspended materials; or
  - the production of an objectionable odour; or
  - any significant adverse effect on aquatic life.

Provided that:

If Standards and Terms b) or c) are not met the activity is a **discretionary and restricted coastal activity**; and

If Standard and Term e) is not met the activity is a **non-complying activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

**Principal Reason:** In dealing with the disposal of human sewage, not only the effects on the physical environment, but also the effects on the feelings of people must be taken into account. This rule is necessary to implement provisions of the NZCPS.

## HERBICIDES AND WEED CONTROL

**4.3.7H** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999, the discharge of herbicides in the coastal marine area, for the purposes of exotic weed control is a **controlled activity** provided that the following standards and terms are met.

Standards and terms:

- a) hand gun application is used, and spray is directed to minimise non target organism contact; and
- b) a biodegradable (short half life), herbicide is used; and
- c) the frequency and abundance of marine fauna is surveyed before spraying, and after spraying; and
- d) the level of herbicide in sediment is assessed after spraying.
- e) Council is advised prior to commencement of the activity and with the required monitoring information (c, d above) within 3 months of completing the operation.
- f) The following standards from NZS8409:1999 Agrichemical Users Code Of Practise and any additional requirements as listed are met:

The Council may set conditions:

- To minimise adverse effects on habitat and on-target organisms
- To restrict the timing and duration of any herbicide application.

Provided that:

Any application of Agrichemical sprays that does not meet the standards above is a **discretionary activity**.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.7

NZS8409 REQUIREMENT	ADDITIONAL REQUIREMENT
2.4.1, 2.4.2, 2.4.4(B)	
5.1.1, 5.1.2, 5.3.1(a & b)	
5.3.2(b)	Disposal options FF (a,b,c) must be used if available in the region and no spray residue shall be disposed of within 20m of a drain, watercourse or waterbody.
5.3.3 (second paragraph following (m))	Cleaning and decontamination of aircraft shall be carried out on a bunded concrete pad. Contaminated residue shall be collected and disposed of in accordance with these conditions.
5.4.1	
5.5.1	
5.6.2(ci)	
5.6.5 (a, c)	
5.7.1 (e, f)	Written contingency plans must be available upon request.
5.7.2	Documented evidence of the target area must be available upon request.
5.8.1 (second paragraph)	Wind indicators must be available on site should any of the factors in Table DD1 for high potential drift hazard be equaled or exceeded.
5.8.2 (a, b, c, d, e, f)	
5.8.3	Agrichemicals must not be sprayed within 100m of any sensitive area (DD3) or Protection Management Area identified in the Gisborne District Plan if any of the factors in Table DD1 for high potential drift hazard be equaled or exceeded.
5.9	(Note the additional requirements in 5.7.1(e, f) & 5.7.2 above).
6.1	Disposal options FF (a, b, c) must be used if available in the region and no spray residue shall be disposed of directly within 20m of a drain, watercourse or waterbody.

**Principal reason:** This rule provides for the use of herbicides to control *Spartina* as a controlled activity subject to standards that reduce side effects and allow monitoring of effects. The rule is necessary to ensure that the adverse effects of excessive spraying and consequent contamination do not occur.

## RADIO TRACERS AND DYES

**4.3.7I** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999, the discharge to the coastal marine area of biologically and chemically inert and non-radioactive tracers or dyes for the purposes of scientific investigations is a **permitted activity** subject to the following standards and terms.

Standards and Terms:

- a) The tracer or dye will not result in and change in the abundance or diversity of animal or plant life in the receiving environment.
- b) The GDC is advised in writing at least one week prior to the discharge.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.7

**Principal reason:** Non toxic dyes and radio tracers are important tools for the investigation of the effects a discharge may have. For scientific research they are also important tools. It is considered that the slight and very occasional adverse effects of these substances is far outweighed by the potential benefits accrued from their use that their use should be permitted.

## 4.7 RULES FOR DISCHARGE

**4.4.7A** As from the 1<sup>st</sup> of July 2000 the discharge of untreated sewage from an off-shore installation within the internal waters of Poverty Bay within 1000 metres seaward of mean high water springs is a **prohibited activity** for which no Resource Consent will be granted.

**Principal reason:** The Resource Management (Marine Pollution) Regulations 1998 regulate the discharges of treated and untreated sewage from vessels and offshore installations. The Regulations prohibit such discharges closer than 500 metres from the shoreline. Clause 11(3) of Part 3 of the Regulations provides that, from the 1<sup>st</sup> of July 2000, Councils may increase the distance seaward within which no person may discharge sewage into the CMA. Poverty Bay is the major water recreation beach in Gisborne and is used by various forms of water recreation. It is considered that the Regulations provide adequate controls over the discharges of sewage from vessels. However, the actual or potential adverse effects relating to such discharges from offshore installations are considered to warrant a more stringent level of control.

## BURNING PLANT OR ANIMAL MATTER

**4.4.7B** Except as provided for in the Resource Management (Marine Pollution) Regulations 1998 the discharge of contaminants to air of the Coastal Marine Area from the burning of plant or animal matter within the CMA, but excluding the burning of treated timbers, is a **permitted activity** provided that the following standards and terms are met:

Standards and terms:

- a) The plant or animal matter arises from the Coastal Marine Area.
- b) The burning does not result in an adverse effect in any adjacent site or vessel which is offensive or objectionable.

**Principal reason:** In some circumstances it may be necessary to burn waste materials that accumulate on beaches. This rule permits that activity subject to certain standards being met and will not result in significant adverse effects. (Note this rule applies to the Coastal Marine Area - the air plan deals with land above MHWS.)

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

#### OTHER PERMITTED ACTIVITIES; HYDROCARBON BURNS, FUMIGATION, AQUACULTURE DISCHARGES TO AIR

**4.4.7C** The discharge to air of contaminants associated with the burning of hydrocarbons following a hydrocarbon spillage, or the fumigation of goods in the CMA is a **permitted activity** provided the following standards and terms are met: Standards and terms:

- a) The activity does not result in odour in a residential area, park or reserve which is objectionable or offensive.
- b) Council is notified prior to any oil burn.
- c) Measures to contain and reduce the volume of spilled material have been exhausted.
- d) In the case of fumigation the activity does not involve the use of ethylene dibromide, methyl bromide or hydrogen cyanide.

**Principal reason:** The discharge of contaminants to air from the activities listed in this rule are either minor or infrequent but must occur on an urgent basis when they occur. The adverse effects of this rule will be minor and could, in the case of fumigation and oil spill reaction, be beneficial.

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

#### GENERAL DISCHARGES

**4.4.7D** All discharges to water of the coastal marine area not more specifically addressed elsewhere by rules in this plan or the Resource Management (Marine Pollution) Regulations 1998, excepting stormwater and uncontaminated seawater discharges, are **discretionary activities**.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**Principal reason:** Quantitative standards for the discharge of contaminants into the CMA are lacking for NZ waters. While standards do exist in other countries it is not considered appropriate to incorporate them into this plan.

#### STORM WATER AND UNCONTAMINATED SEAWATER DISCHARGES

**4.4.7E** The discharge of stormwater runoff and uncontaminated seawater to the Coastal Marine Area is a **permitted activity** provided the following standards and terms are met:

Standards and terms:

In the case of stormwater runoff:

- a) the activity shall not cause any permanent:
  - (i) Reduction of the ability of the receiving channel to convey flood flows;
  - (ii) Scouring of the foreshore or seabed as a consequence of the discharge; and

In the case of stormwater runoff and discharges of uncontaminated seawater:

- b) The discharge shall not cause the production of conspicuous oil or grease films, scums, or foams, or floatable or suspended materials in any receiving water after reasonable mixing.
- c) The water classification standards for Poverty Bay set out in Chapter 3.4 and Appendix 7 are met.

Provided that:

If either a) or b) or c) are not met then the discharge of stormwater runoff or uncontaminated seawater to the CMA is a **discretionary activity**.

**Principal reason:** Stormwater runoff into the Coastal Marine Area is an inevitable consequence of urban development. Stormwater can contain heavy metals, oils/greases and silts; the standards in this rule exist to ensure that measures are taken, where appropriate, to reduce the quantity of these.

#### OTHER DISCHARGES TO AIR

**4.4.7F** Any discharge of contaminants to air of the Coastal Marine Area not specifically addressed elsewhere in this plan or in the Resource Management (Marine Pollution) Regulations 1998 is a **discretionary activity**.

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6**

#### SEWAGE DISCHARGES

**4.4.7G** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999 and Rule 4.4.7A, any discharge of human sewage into the CMA is a **discretionary activity** provided that the following standards and terms are met:

Standards and Terms

- a) The discharge occurs more than 1000m offshore.
- b) The sewage has passed through soil or a wetland prior to entering the Coastal Marine Area.

- c) The applicant for the discharge does not propose to rely on Section 107(2)(a) of the Resource Management Act 1991 in order to obtain consent.
- d) The discharge does not occur in any harbour, estuary, inlet or embayment.
- e) The discharge, after reasonable mixing, shall not result in:
  - the production of conspicuous oil or grease films; or
  - the production of any scums or foams; or
  - the production of any floating or suspended materials; or
  - the production of an objectionable odour; or
  - any significant adverse effect on aquatic life.

Provided that:

If standards and terms b) or c) are not met the activity is a **discretionary and restricted coastal activity**; and

If standard and term e) is not met the activity is a **non-complying activity**.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6**

**Principal Reason:** In dealing with the disposal of human sewage, not only the effects on the physical environment, but also the effects on the feelings of people must be taken into account. This rule is necessary to implement provisions of the NZCPS.

#### HERBICIDES AND WEED CONTROL

**4.4.7H** Except as provided for in the Resource Management (Marine Pollution Regulations 1999), the discharge of agrichemicals in the coastal marine area, for the purposes of exotic weed control is a **controlled activity** provided that the following standard and terms are met:

Standards and terms

- a) The application shall be undertaken in a manner that does not exceed any rate, or contravene any other requirement specified in the agrichemical manufacturer's instructions.
- b) The application shall not occur directly on or above the surface of the CMA, or be undertaken in a manner which would result in any agrichemical entering the CMA, unless the agrichemical is registered for use over waterbodies.
- c) A hand held appliance is used, and spray is directed to minimise non target organism contact; and
- d) Council is advised prior to commencement of the activity
- e) The following standards from NZS8409:1999 Agrichemical Users Code Of Practise and any additional requirements as listed are met:

The Council may set conditions:

- To minimise adverse effects on habitat and on-target organisms
- To restrict the timing and duration of any herbicide application.

Provided that:

Any application of Agrichemical sprays that does not meet the standards above is a **discretionary activity**.

<b>NZS8409 REQUIREMENT</b>	<b>ADDITIONAL REQUIREMENT</b>
2.4.1, 2.4.2, 2.4.4(b)	
5.1.1, 5.1.2, 5.3.1(a & b)	
5.3.2(b)	Disposal options FF (a,b,c) must be used if available in the region and no spray residue shall be disposed of within 20m of the CMA.
5.3.3 (second paragraph following (m))	Cleaning and decontamination of aircraft shall be carried out on a bunded concrete pad. Contaminated residue shall be collected and disposed of in accordance with these conditions.
5.4.1	
5.5.1	
5.6.2(ci)	
5.6.5(a,c)	
5.7.1(e,f)	Written contingency plans must be available upon request.
5.7.2	Documented evidence of the target area must be available upon request.
5.8.1 (second paragraph)	Wind indicators must be available on site should any of the factors in Table DD1 for high potential drift hazard be equalled or exceeded.
5.8.2(a,b,c,d,e,f)	
5.8.3	Agrichemicals must not be sprayed within 100m of any sensitive area (DD3) or Protection Management Area identified in the Gisborne District Plan if any of the factors in Table DD1 for high potential drift hazard be equalled or exceeded.
5.9	(Note the additional requirements in 5.7.1(e,f) & 5.7.2 above).
6.1	Disposal options FF(a,b,c) must be used if available in the region and no spray residue shall be disposed of directly to the CMA.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**Principal reason:** This rule provides for the use of herbicides to control *Spartina* as a controlled activity subject to standards that reduce side effects and allow monitoring of effects. The rule is necessary to ensure that the adverse effects of excessive spraying and consequent contamination do not occur.

## RADIO TRACERS AND DYES

**4.4.7I** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999, the discharge to the coastal marine area of biologically and chemically inert and non-radioactive tracers or dyes for the purposes of scientific investigations is a **permitted activity** provided the following standards and terms are met:

Standards and terms:

- a) The tracer or dye will not result in and change in the abundance or diversity of animal or plant life in the receiving environment.
- b) The GDC is advised at least one week prior to the discharge.

Provided that:

If a) is not met the activity is a **discretionary activity**.

**Principal reason:** Non toxic dyes and radiotracers are important tools for the investigation of the effects a discharge may have. For scientific research they are also important tools. It is considered that the slight and very occasional adverse effects of these substances is far outweighed by the potential benefits accrued from their use that their use should be permitted.

## OBSERVANCE OF WATER QUALITY STANDARDS

**4.4.7J** All discharges to water of the coastal marine area, after reasonable mixing and disregarding the effect of any natural perturbations, shall observe any relevant water quality standards set out in Method 3.4.5L for the Classification Area defined in Appendix 7 of this Plan.

**Principal reason:** Compliance with water classification standards is a requirement of Section 69(1) of the Resource Management Act 1991.

### 4.5.7 Rules for Discharges

**4.5.7A** As from the 1<sup>st</sup> of July 2000 the discharge of untreated sewage from an offshore installation within the internal waters of Poverty Bay within 1000 metres seaward of mean high water springs is a **prohibited activity** for which no Resource Consent will be granted.

**Principal reason:** The Resource Management (Marine Pollution) Regulations 1998 regulate the discharges of treated and untreated sewage from vessels and offshore installations. The Regulations prohibit such discharges closer than 500 metres from the shoreline. Clause 11(3) of Part 3 of the Regulations provides that, from the 1<sup>st</sup> of July 2000, Councils may increase the distance seaward within which no person may discharge sewage into the CMA. Poverty Bay is the major water recreation beach in Gisborne and is used by various forms of water recreation. It is considered that the Regulations provide adequate controls over the discharges of sewage from vessels. However, the actual or potential adverse effects relating to such discharges from offshore installations are considered to warrant a more stringent level of control.

#### BURNING PLANT OR ANIMAL MATTER

**4.5.7B** Except as provided for in the Resource Management (Marine Pollution) Regulations 1998, the discharge of contaminants to air of the CMA from the burning of plant or animal matter within the CMA, but excluding the burning of treated timbers is a **permitted activity** provided the following standards and terms are met:

Standards and terms:

- a) The plant or animal matter arises from the CMA.
- b) The burning does not result in an adverse effect in any adjacent site or vessel which is offensive or objectionable.

**Principal reason:** In some circumstances it may be necessary to burn waste materials that accumulate on beaches. This rule permits that activity subject to certain standards being met and will not result in significant adverse effects. (Note this rule applies to the CMA - the air plan deals with land above MHWS).

#### OTHER PERMITTED ACTIVITIES; HYDROCARBON BURNS, FUMIGATION, AQUACULTURE DISCHARGES TO AIR

**4.5.7C** The discharge to air of contaminants associated with the burning of hydrocarbons in the CMA following a hydrocarbon spillage, or the fumigation of goods in the CMA is a **permitted activity** provided the following standards and terms are met:

Standards and terms:

- a) The activity does not result in odour in a residential area, park or reserve which is objectionable or offensive.
- b) Council is notified prior to any oil burn
- c) Measures to contain and reduce the volume of spilled material have been exhausted
- d) In the case of fumigation the activity does not involve the use of ethylene dibromide, methyl bromide or hydrogen cyanide.

**Principal reason:** The discharge of contaminants to air from the activities listed in this rule are either minor or infrequent but must occur on an urgent basis when they occur. The adverse effects of this rule will be minor and could, in the case of fumigation and oil spill reaction, be beneficial.

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

#### GENERAL DISCHARGES

**4.5.7D** All discharges to water of the coastal marine area not more specifically addressed elsewhere by rules in chapter 4.5 or the Resource Management (Marine Pollution) Regulations 1998, excepting stormwater discharges, are a **discretionary activity**.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**Principal reason:** Quantitative standards for the discharge of contaminants into the CMA are lacking for NZ waters. While standards do exist in other countries it is not considered appropriate to incorporate them into this plan.

#### STORM WATER DISCHARGES

**4.5.7E** The discharge of stormwater runoff to the CMA is a **permitted activity** provided the following standards and terms are met:

Standards and terms:

- a) The activity shall not cause any permanent:
  - (i) Reduction of the ability of the receiving channel to convey flood flows;
  - (ii) Scouring of the foreshore or seabed as a consequence of the discharge.
- b) The discharge shall not cause the production of conspicuous oil or grease films, scums, or foams, or floatable or suspended materials in any receiving water after reasonable mixing.
- c) The discharge shall, after reasonable mixing, meet the water quality standards, prescribed for the waters into which the discharge is to occur, by the Water Classifications set out in Policy 3.4.4A, Method 3.4.5L and Appendix 7 of this Plan.

Provided that:

If any of the Standards and Terms are not met then the discharge of stormwater runoff to the CMA is a **discretionary activity**.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**Principal reason:** Stormwater runoff into the Coastal Marine Area is an inevitable consequence of urban development. Stormwater can contain heavy metals, oils/greases and silts; the standards in this rule exist to ensure that measures are taken, where appropriate, to reduce the quantity of these.

#### OTHER DISCHARGES TO AIR

**4.5.7F** Any discharge of contaminants to air of the Coastal Marine Area not specifically addressed elsewhere in this plan or in the Resource Management (Marine Pollution) Regulations 1998 is a **discretionary activity**.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**NB: For discharges to air outside of the CMA, reference should be made to the Regional Air Plan for the Gisborne Region.**

#### SEWAGE DISCHARGES

**4.5.7G** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999 and Rule 4.5.7A, any discharge of human sewage into the CMA:

- a) Is a **discretionary activity** when the discharge occurs more than 1000m offshore from MHWS.

- b) Is a **non-complying activity** where the discharge occurs in an estuary or inlet, or within 1000m from the shoreline (MHWS).

Provided that:

It is a restricted coastal activity when sewage has **not** passed through soil or a wetland prior to entering the Coastal Marine Area;

It is a restricted coastal activity where the applicant relies on Section 107(2)(a) of the Act for the discharge.

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6, Chapter 4.7**

**Principal reason:** In dealing with the disposal of human sewage, not only the effects on the physical environment, but also the effects on the feelings of people must be taken into account. This rule is necessary to implement provisions of the NZCPS.

## HERBICIDES AND WEED CONTROL

**4.5.7H** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999, the discharge of herbicides in the coastal marine area, for the purposes of exotic weed control is a **controlled activity** provided that the following standards and terms are met:

Standards and terms:

- a) hand gun application is used, and spray is directed to minimise non target organism contact; and
- b) a biodegradable (short half life), herbicide is used; and
- c) the frequency and abundance of marine fauna is surveyed before spraying, and after spraying; and
- d) the level of herbicide in sediment is assessed after spraying.
- e) Council is advised prior to commencement of the activity and with the required monitoring information (c, d above) within 3 months of completing the operation.
- f) The discharge of herbicide does not have more than minor adverse effects on ecological processes, bio-diversity, water quality, natural character, natural landscape and flora and fauna identified in a Protection Management Area near which the discharge is proposed.
- g) The following standards from NZS8409:1999 Agrichemical Users Code of Practise and any additional requirements as listed are met:

The Council may set conditions:

1. To minimise adverse effects on habitat and on-target organisms
2. To restrict the timing and duration of any herbicide application.

Provided that:

Any application of Agrichemical sprays that does not meet the standards above is a **discretionary activity**.

NZS8409 REQUIREMENT	ADDITIONAL REQUIREMENT
2.4.1, 2.4.2, 2.4.4(b)	
5.1.1, 5.1.2, 5.3.1(a & b)	
5.3.2(b)	Disposal options FF (a,b,c) must be used if available in the region and no spray residue shall be disposed of within 20m of a drain, watercourse or waterbody.
5.3.3 (second paragraph following (m))	Cleaning and decontamination of aircraft shall be carried out on a bunded concrete pad. Contaminated residue shall be collected and disposed of in accordance with these conditions.
5.4.1	
5.5.1	
5.6.2(ci)	
5.6.5(a,c)	
5.7.1(e,f)	Written contingency plans must be available upon request.
5.7.2	Documented evidence of the target area must be available upon request.
5.8.1 (second paragraph)	Wind indicators must be available on site should any of the factors in Table DD1 for high potential drift hazard be equalled or exceeded.
5.8.2(a,b,c,d,e,f)	
5.8.3	Agrichemicals must not be sprayed within 100m of any sensitive area (DD3) or Protection Management Area identified in the Gisborne District Plan if any of the factors in Table DD1 for high potential drift hazard be equalled or exceeded.
5.9	(Note the additional requirements in 5.7.1(e,f) & 5.7.2 above).
6.1	Disposal options FF(a,b,c) must be used if available in the region and no spray residue shall be disposed of directly within 20m of a drain, watercourse or waterbody.

Cross-Reference. Refer to:- Chapter 2, Chapter 3.4, Chapter 4.6

**Principal reason:** This rule provides for the use of herbicides to control *Spartina* as a controlled activity subject to standards that reduce side effects and allow monitoring of effects. The rule is necessary to ensure that the adverse effects of excessive spraying and consequent contamination do not occur.

#### RADIO TRACERS AND DYES

**4.5.71** Except as provided for in the Resource Management (Marine Pollution) Regulations 1999, the discharge to the coastal marine area of biologically and chemically inert and non-radioactive tracers or dyes for the purposes of scientific investigations is a **permitted activity** provided the following standards and terms are met.

Standards and terms:

- a) The tracer or dye will not result in and change in the abundance or diversity of animal or plant life in the receiving environment.
- b) The GDC is advised at least one week prior to the discharge.

Provided that:

If a) is not met the activity is a **discretionary activity**.

**Principal reason:** Non-toxic dyes and radiotracers are important tools for the investigation of the effects a discharge may have. For scientific research they are also important tools. It is considered that the slight and very occasional adverse effects of these substances is far outweighed by the potential benefits accrued from their use that their use should be permitted.

#### OBSERVANCE OF WATER QUALITY STANDARDS

**4.5.7J** All discharges to water of the coastal marine area, after reasonable mixing and disregarding the effect of any natural perturbations, shall observe any relevant water quality standards set out in Method 3.4.5L for the Classification Area defined in Appendix 7 of this Plan.

**Principal reason:** Compliance with water classification standards is a requirement of Section 69(1) of the Resource Management Act 1991.

#### 4.5.8 Rules for the Occupation of Space in the CMA

##### OCCUPATION OF SPACE FOR PERMITTED OR CONTROLLED STRUCTURES (see chapter 4.5.6)

**4.5.8A** Notwithstanding anything else in Chapter 4.5 of this plan, the exclusive occupation of land of the Crown within the CMA, under Section 12(2) of the Resource Management Act 1991, for an activity that is permitted or controlled in Chapter 4.5.6 of this plan is a **restricted discretionary activity**.

Matters to which Council will restrict its discretion:

- a) The extent to which the exclusive occupation of space has an adverse effect on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- b) The extent to which the exclusive occupation of space restricts or prevents public access to and along the Coastal Marine Area.
- c) The extent to which the exclusive occupation of space adversely affects any value identified within, or sought to be protected by a Protection Management Area

**Cross-Reference. Refer to:- Chapter 2, Chapter 3.1, Chapter 3.2, Chapter 4.6**

**Principal reason:** This rule requires very minor and almost exclusively beneficial coastal activities which require an exclusive occupation of space consent in the CMA to obtain a resource consent but limits the concerns of the Council to two narrow areas of cultural concern for unknown sites, any adverse effect on public access to and along the CMA and the possible effects on areas with high natural

values. The requirements and standards elsewhere in the plan are not lessened by this rule.

#### 4.6 FINANCIAL CONTRIBUTIONS

##### 4.6.1 Introduction

Where the Gisborne District Council grants a resource consent, it may impose a condition requiring that a financial contribution be made for the purposes specified in the Resource Management Act (Section 108).

The term “financial contribution” is defined in section 108(9) of the Act as a contribution of:

- a) Money; or
- b) Land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent) but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act otherwise provides; or
- c) Works, including (but without limitation) the protection, planting or replanting of any tree or other vegetation or the protection, restoration, or enhancement of any natural or physical resource; or
- d) Services

or any combination thereof, made for the purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and which does not exceed in value the maximum amount specified in, or determined in accordance with, the plan.

Financial contributions may be for various purposes specified in the Plan including the purposes of ensuring positive effects on the environment to offset any adverse effects (environmental compensation), but only where the adverse effects cannot be successfully avoided, remedied or mitigated.

The provisions which follow are intended to reflect the requirements of Section 108(9) of the Act and Clause 5 of Part I of the Second Schedule of the Act and set out:

1. The circumstances when such contributions may be imposed.
2. The purposes for which such contributions may be required and used.
3. The maximum amount of any contribution.
4. Assessment criteria which the Council will have regard to when deciding whether to impose financial contribution, the types of contribution, and the amount of such contributions.

Under s112 of the Resource Management Act, the Crown may also fix charges. Specifically s112 (1) of the Act states:

In every coastal permit authorising the holder to -

- a) Occupy, within the meaning of s12(4), any land of the coastal marine area; or
- b) Remove any sand, shingle, shell or other natural material, within the meaning of s12(4), from any such land –
  - i. there shall be implied a condition that the holder shall at all times throughout the period of the permit pay the relevant regional council, on behalf of the Crown -

- c) Where the permit was permitted to be granted by virtue of an authorisation granted under section 161, the rent and royalties (if any) specified in the authorisation held by the permit holder; and
- d) Any sum of money required to be paid by any regulations made under section 360(1)(c).

The Crown has not established any requirements for coastal tenders but has, through the transitional fees provisions of the Resource Management Act regulations prescribed rents for occupying space. Part II of the Resource Management Act (Transitional Fees, Rents and Royalties) Regulations requires the payment of rents to be made in advance and in accordance with requirements of a coastal permit (or at quarterly intervals if not specified). The Regulations specify the following rentals (applying only to Coastal Marine Area owned by the Crown):

- \$1.70 per cubic meter of natural material removed from the Coastal Marine Area - with the Minister for the Environment able to refund if he/she thinks fit.
- □ \$60 per annum for pipelines used for personal purposes located in the Coastal Marine Area.
- \$85 per annum for other pipelines or submarine cables up to 30 meters in length and an additional \$15 per 30 meters thereafter.
- \$425 per annum for any commercial structure other than those already listed - including marine farms, boat buildings, boat repair slipway or other commercial activity
- \$425 per annum + \$12 per meter of berthage + \$84 for every swing mooring for boat storage facilities catering for more than 10 boats.
- \$60 per annum for non-commercial structures (including mooring or whitebait jetties) less than 14 square metres.
- \$60 per annum or \$12 per metre of berthage for any mooring (whichever is the greatest amount) for moorings
- \$84 per annum per swing mooring
- \$115 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 14 square metres but less than 28 square metres.
- \$230 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 28 square metres but less than 56 square metres.
- \$290 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 56 square metres but less than 84 square metres.
- \$425 per annum for non-commercial structures (including mooring or whitebait jetties) greater than 84 square meters.

The Regulations also prescribe the following fees:

- \$250 to the Minister of Conservation for an application for a Restricted Coastal Activity.
- \$1000 to the Minister for the Environment for a Water Conservation Order application.
- \$100 to Minister of Fisheries for an application for marine farming in the Coastal Marine Area.

As well as these provisions the regulations also stipulate that when a review of a permit occurs that rentals should apply if anticipated by the permit.

In deciding on any financial contribution, the Gisborne District Council will take into account that requiring a contribution may not be appropriate in every case, even

where there are adverse effects. Every resource consent application needs to be considered as to the nature and extent of any contribution that may be required, if any. The Gisborne District Council does not intend that environmental effects should be “fully mitigated” or fully compensated in every case. The “maximum amounts” indicated in this chapter are intended as an upper limit. The actual amount of particular contributions will vary depending upon the circumstances and the application of the criteria outlined above.

#### **CIRCUMSTANCES, PURPOSE and MAXIMUM AMOUNT**

Financial contributions may be imposed on any coastal permit in the circumstances and for the purposes set out below. Contributions may be in the form of land, works, services or money or any combination of these. Contributions of money to the Council must be applied for the general purpose for which such contributions were taken.

The following provisions set out circumstances and purposes for which financial contributions may be imposed and used, and the method of calculating the maximum amount of the contribution in each case.

#### **4.6.2 ISSUE**

After measures have been taken to avoid, remedy or mitigate the adverse effects of an activity that activity can still have residual adverse effects. Without a mechanism to offset these adverse effects there is potential for either significant cumulative adverse effects to occur, or unreasonable restrictions to development to be imposed.

#### **4.6.3 OBJECTIVE**

The remedy or mitigation of adverse effects not practicably avoided, remedied or mitigated by other means through the imposition of conditions requiring financial contributions.

#### **4.6.4 POLICY**

4.6.4A Financial contributions will be imposed on coastal permits or resource consents when the following circumstances occur for the purposes described below:

4.6.4A1 Maintenance and enhancement of public access to and along the coastal marine area.

#### **Circumstances:**

Where public access to or along the coast will be limited or prevented by the activity for which consent is granted.

#### **Purpose 1:**

To avoid or mitigate such effects by providing for public access to or along the coast through or around the area to which the consent applies.

#### **Maximum Amount:**

The full actual cost of providing access sufficient to fully mitigate adverse effects on public access.

**Purpose 2:**

To offset or compensate for reduction or loss of access by contributing to new or enhanced access to or along another part of the coastal marine area within the same generally locality or serving the same general community.

**Maximum Amount:**

The full actual cost of providing or contributing alternative public access to a reasonably equivalent standard and extent to that which will be lost or reduced.

**4.6.4A2 Public Open Space and Facilities in the Coastal Marine Area****Circumstances:**

Where the activity, for which a resource consent or coastal permit is granted, occupies or affects any part of the coastal marine area which is or was previously open to the public and contains or previously contained facilities or space used by the public in the coastal marine area.

**Purposes:**

To mitigate or compensate for such effects by providing public open space or public facilities on or in the vicinity of the site, or at an alternative location in the Coastal Environment in the same general locality or serving the same general community (including a contribution to any public reserves).

**Maximum Amount:**

The full actual cost of providing land, or an interest in land or works or services to provide public open space or public facilities of a reasonably equivalent standard or extent to those which are lost or affected by the granting of the consents.

**4.6.4A3 Planting or Maintenance of Coastal Vegetation****Circumstances:**

Where the activity for which the resource consent or coastal permit is granted will or is likely to result in destruction or damage to vegetation or habitats.

**Purposes:**

To mitigate, remedy or compensate for the loss of vegetation by planting, replanting, transplanting or maintaining new or existing plantings either at or adjacent to the site concerned or elsewhere in the same general locality.

**Maximum Amount:**

The full actual costs of the works and of providing land, or an interest in land or works or services to provide for planting, replanting, transplanting or maintaining new or existing plantings.

**4.6.4A4 Landscaping and Planting****Circumstances:**

Where the activity for which resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on visual amenities and/or involves land clearance or disturbance.

**Purposes:**

To reduce the adverse effects of land clearance, land disturbance and structures in the coastal marine area by landscaping or replanting on or adjacent to the site in question.

**Maximum Amount:**

The full actual costs of carrying out such works and of providing land sufficient to fully mitigate the adverse effects of the activity.

**4.6.4A5 Fencing or Screening****Circumstances:**

Where the activity for which a resource consent or coastal permit is granted is likely to contribute to adverse effects on visual amenities, heritage features or conservation areas.

**Purposes:**

To contribute to screening to reduce adverse visual effects or to fencing or screening to protect or separate heritage features or conservation areas.

**Maximum Amount:**

The full actual costs of carrying out such works to a standard sufficient to fully mitigate the adverse effects of the activity.

**4.6.4A6 Protection, Maintenance or Restoration of Protection Management Areas****Circumstances:**

Where the activity for which a resource consent or coastal permit is granted will or is likely to contribute to adverse effects on any coastal protection area.

**Purposes:**

To mitigate or offset such effects by providing for works which protect or restore the values within the protection management area.

**Maximum Amount:**

The full actual cost of works reasonably required to fully mitigate or reasonably compensate for such effects.

**4.6.4A7 Protection, Maintenance or Restoration of Sites of Historic or Cultural Importance****Circumstances:**

Where the activity for which consent is granted will adversely affect a historic site or one of cultural or spiritual significance to Maori.

**Purposes:**

To mitigate or offset such effects by providing for works which protect or restore that site or to offset such effects by contributing to protection, maintenance or

restoration or some alternative historic or cultural site elsewhere within the Coastal Environment in the same general locality.

**Maximum Amount:**

The full actual cost of works and of purchasing land reasonably required to fully mitigate or reasonably compensate for such effects.

4.6.4A8 Protection, Restoration or Enhancement of Marine Mammal or Bird Sites

**Circumstances:**

Where the activity for which a resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on any site identified in Appendix 2 of this Plan as being important to marine mammals or birds.

**Purposes:**

To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the site, including (without limitation) maintenance and planting of vegetation, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

**Maximum Amount:**

The full actual costs of works and of providing land sufficient to fully mitigate such effects.

4.6.4A9 Protection, Restoration or Enhancement of Seabed and Foreshore

**Circumstances:**

Where the activity for which a resource consent or coastal permit is granted is likely to cause or contribute to adverse effects on the seabed or foreshore.

**Purposes:**

To mitigate or offset the adverse effects of the activity by protecting, restoring or enhancing the seabed or foreshore, including (without limitation) maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and foreshore protection and including contribution to such measures elsewhere in the same general locality.

**Maximum Amount:**

The full actual costs of works to a standard sufficient to fully mitigate such effects.

4.6.4A10 Reduction of Litter

**Circumstances:**

Where the activity for which a resource consent or coastal permit is granted is likely to contribute directly or indirectly to littering of the coastal marine area.

**Purposes:**

To mitigate or offset such effects by contributing to litter collection facilities, services or signage in the general area of the activity.

**Maximum Amount:**

The full actual costs of contributions reasonably required to fully mitigate the effects referred to above.

## 4.6.4A11 General Mitigation Works

**Circumstances:**

Where the activity for which a resource consent or coastal permit is granted will cause or contribute to adverse effects on the environment which will not be adequately mitigated by any of the types of contribution described elsewhere in this section.

**Purposes:**

Works on or adjacent to the site for the purpose of avoiding, remedying or mitigating the adverse effects of the activity, including protection, restoring or enhancing natural and physical resources or amenity values elsewhere in the Coastal Environment in the same general locality.

**Maximum Amount:**

The full actual costs of providing offsetting positive effects reasonably equivalent in standard, amenity value or environmental value to those amenities or resources which will be lost, compromised or adversely affected.

4.6.4 B In deciding whether or not to impose financial contributions, the types of contribution and their value, the Council will have particular regard to the following matters:

- a) The extent to which any adverse effects deriving from the activity can and should be mitigated by way of works carried out on or near the site; or
- b) The extent to which a financial contribution may offset or provide compensation to the community or environment for adverse effects caused or contributed to by the activity and not otherwise avoided, remedied or mitigated by the consent holder.
- c) The extent to which a contribution is required to achieve objectives and policies of this Plan.
- d) In deciding the actual value of the financial contribution required, the Council will have particular regard to:  
The significance of the effects attributable to the activity;
  - ii) Where such effects are contributed to by other activities, the extent to which those effects can be reasonably attributed to the activity for which consent is granted;
  - iii) The extent to which any positive effects of the activity offset any adverse effects.
- e) Financial contributions should relate to the effects of the activity for which consent is granted and be reasonably proportionate to the significance of any adverse effects.
- f) The costs of establishing and conducting the activity.
- g) The necessity for establishing or continuing the activity in the coastal marine area, the availability of alternative locations and the reasons for the activity occurring in the coastal marine area.

#### **4.6.5 ISSUE**

A majority of space of the Coastal Marine Area is owned by the Crown. The Crown has specified fees for the use of this space and these need to be applied if the Crown's interest in that space is to be recognised (applying rentals may also).

#### **4.6.6 OBJECTIVE**

The fair and consistent application and recovery of fees and rentals stipulated in the Resource Management Act (Transitional Fees, Rents and Royalties) Regulations.

#### **4.6.7 POLICY**

4.6.7 A Fees and rents will be collected from occupiers of the Coastal Marine Area at the rate stipulated in the Resource Management Act (Transitional Fees, Rent and Royalties) Regs, 1991.

## Proposed Regional Coastal Environment Plan for Hawkes Bay

Notified August 2006

Aquaculture activities means the breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed for harvest if the breeding, hatching, cultivating, rearing or on-growing involves the occupation of a coastal marine area; and:

- (a) includes the taking of harvestable spat if the taking involves the occupation of a coastal marine area; but
- (b) does not include any activity specified above if the fish, aquatic life or seaweed-
  - (i) are not in the exclusive and continuous possession or control of the person undertaking the activity; or
  - (ii) cannot be distinguished or kept separate from naturally occurring fish, aquatic life, or seaweed.

**Policy 17-1** To manage deposition and extraction of material within the coastal marine area and disturbance of the foreshore and seabed in accordance with the environmental guidelines set out in Table 2.

Issue	Guideline
1. Deposition of material	a) Deposition of substances on the foreshore or seabed within a Significant Conservation Area is inappropriate and should be avoided. b) Deposition of substances on the foreshore or seabed not within a Significant Conservation Area may be appropriate where adverse effects on indigenous flora, fauna, benthic organisms and their habitats, are minimised. c) Deposition of sediment in the coastal marine area should only occur: <ul style="list-style-type: none"> <li>i) where the sediment to be deposited is of the same or similar particle size to the sediment at the proposed deposition site</li> <li>ii) at times, durations or rates to minimise adverse effects on:               <ul style="list-style-type: none"> <li><input type="checkbox"/> threatened bird species</li> <li><input type="checkbox"/> migratory patterns of marine life</li> <li><input type="checkbox"/> spawning of marine life</li> <li><input type="checkbox"/> coastal water quality</li> <li><input type="checkbox"/> recreational and commercial activities in the immediate area</li> <li><input type="checkbox"/> benthic communities adjacent to the area to be deposited on and</li> <li><input type="checkbox"/> cultural and social values.</li> </ul> </li> <li>iii) where the sediment to be deposited is not spoil from land-based activities.</li> </ul> d) Deposition of substances which contain toxic

	<p>compounds in quantities which will adversely affect the life supporting capacity of the coastal marine area, shall be restricted.</p> <p>e) Disturbance and deposition arising from the disposal of spoil from land-based activities should be avoided</p>
2. Removal of material	<p>a) Removal of sand, shell, gravel or other natural material from the coastal marine area should ensure adverse effects on indigenous flora, fauna, benthic organisms and their habitats within a Significant Conservation Area, are avoided.</p> <p>b) Subject to (a) removal of sand, shell, gravel or other natural material from the coastal marine area should ensure adverse effects on the following, are minimised:</p> <ul style="list-style-type: none"> <li>i) threatened bird species</li> <li>ii) migratory patterns of marine life</li> <li>iii) spawning of marine life</li> <li>iv) coastal water quality</li> <li>v) recreational and commercial activities in the immediate area</li> <li>vi) benthic communities adjacent to the area to be deposited on and</li> <li>vii) cultural and social values.</li> </ul> <p>c) Regard shall be had to alternative extraction sites and reasons for the proposed location when assessing a coastal permit application or application to change conditions on existing coastal permits to remove sand, gravel, shell or other material for commercial purposes from within the coastal marine area.</p>
<b>Issue</b>	<b>Guideline</b>
3. Coastal hazards	<p>a) Disturbance of the foreshore or seabed (in particular removal of sand, shell, gravel, or other natural material from the coastal marine area) should not occur in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless:</p> <ul style="list-style-type: none"> <li>i) it is for a temporary activity and/or</li> <li>ii) it protects or enhances natural buffers between existing development and the sea and</li> <li>iii) it presents less than a minor risk of exacerbating coastal erosion or inundation.</li> </ul> <p>b) Initiatives to deposit dredged or excavated sediment in designated disposal areas within the coastal marine area shall be provided for where the deposit will help to renourish beaches adjacent to existing developed areas that are at risk from coastal erosion or inundation.</p>

4. Motor vehicles	Motor vehicles and livestock shall be prohibited from sensitive areas, particularly inter-tidal rock platforms and the beds and margins of estuaries and wetlands, unless the vehicle is used for emergency or biosecurity purposes.
5. Seismic surveys	Regard shall be had to adverse effects on marine mammals when assessing an application for a resource consent for seismic surveys and activities involving explosives in the coastal marine area.
6. River and harbour works	Disturbance of the foreshore and seabed (including river mouths and harbours) shall be provided for where it is necessary for river control, flood management, drainage scheme works or maintenance of safe access for marine vessels.
7. Small-scale disturbances	Disturbance of the foreshore and seabed associated with small-scale structures that are otherwise permitted in the coastal marine area, shall be provided for.
8. Riparian margins	Retirement of riparian margins shall be promoted in areas adjacent to or within estuaries, wetlands and lagoons where this is necessary to protect or enhance water quality or sensitive habitats of indigenous flora and fauna.
9. Disturbance in SCAs	Disturbance of Significant Conservation Areas will not be provided for, unless the disturbance is for scientific, research, environmental enhancement or similar purposes.
10. Aquaculture wastes	Adverse effects arising from dumping and discharge of processing wastes from aquaculture activities are avoided, remedied or mitigated.

Table 2: Environmental Guidelines – Disturbances, Depositions and Extractions in CMA

**Policy 18-1** To manage structures and any associated occupation of space in the coastal marine area in accordance with the environmental guidelines set out in Table 3.

Table 3: Environmental Guidelines – Structures and Occupation of Space in CMA

Issue	Guideline
1. Removal and demolition of redundant or abandoned structures	The following requirements shall be met in relation to any redundant or abandoned structure that is fixed in, on, under, or over the foreshore or seabed:  i) where removal is practicable, such

	<p>structures should be removed at the expense of the owner or consent holder to enhance navigational safety, people's health and safety and natural character of the coastal marine area.</p> <p>ii) where removal of such structures is not practicable and there are adverse effects caused by the structure remaining in the coastal marine area, those adverse effects should be avoided, remedied or mitigated.</p>
2. Functional need	<p>a) Existing and new small-scale structures directly associated with activities that have a functional need to locate in, or adjacent to, the coastal marine area (including aquaculture activities and network utility operations), shall be provided for.</p> <p>b) Structures that have a functional need to locate in the coastal marine area may be appropriate where:</p> <ul style="list-style-type: none"> <li>i) they do not adversely affect navigation and mooring within navigation channels</li> <li>ii) they do not adversely affect coastal hydrological and geomorphic processes</li> <li>iii) they do not contribute to a proliferation of structures in the coastal marine area or do not promote the inefficient use of existing structures, facilities and network utility corridors</li> <li>iv) adverse effects on indigenous flora, fauna, benthic organisms and their habitats, are avoided, or mitigated where avoidance is not practicable.</li> </ul> <p>c) Erection, placement, use of, and occupation of space by structures that do not have a functional need to locate in the coastal marine area is inappropriate and shall not be provided for.</p>
3. Public access and other uses	<p>a) Structures and activities occupying coastal space shall be established and operated in a manner that</p>

	<p>maximises public use and access, except where public access is inappropriate.</p> <p>b) Structures and activities occupying coastal space should not unnecessarily restrict or prevent other uses of space within the coastal marine area.</p>
4. Aquaculture activities	<p>A precautionary approach shall be adopted to development of aquaculture activities to ensure that the erection, placement, use of, and occupation of space by structures associated with aquaculture activities in the coastal marine area avoid, as far as practicable, any adverse effects (including cumulative effects) on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.</p>
5. Coastal hazards	<p>a) Structures in the coastal marine area should not be located in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless:</p> <p>i) it is for a temporary activity and/or</p> <p>ii) it protects or enhances natural buffers between existing development and the sea and</p> <p>iii) it presents a less than minor risk of exacerbating coastal erosion or inundation.</p> <p>b) Structures should only be used to mitigate coastal hazards when:</p> <p>i) it is the best practicable option and</p> <p>ii) no other non-structural alternative is effective or feasible to reduce coastal hazard risk and</p> <p>iii) the structure is to serve a use with a functional need in the coastal marine area or is to protect existing development and network utility operations from current erosion or inundation risks and</p> <p>iv) the structure is to be located and designed so as to avoid adverse environmental effects to the greatest extent practicable, particularly effects on</p>

	coastal processes and natural character.
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**Policy 21-1**

To manage the introduction of exotic plants or animals into the coastal marine area in accordance with the environmental guidelines set out in Table 6.

Table 6: Environmental Guidelines – Introduction of Exotic Plants and Animals in CMA

<b>Issue</b>	<b>Guideline</b>
1. Exotic plants	<p>a) The introduction and planting of exotic plant species in the coastal marine area shall be restricted, particularly where the introduction of those plants could have significant adverse effects on:</p> <ul style="list-style-type: none"> <li>i) natural character of the coastal environment</li> <li>ii) the functioning of natural ecosystems</li> <li>iii) the functioning of geophysical processes which form and maintain estuaries, lagoons, rivermouths and dune systems.</li> </ul> <p>b) A precautionary approach will be adopted towards the assessment and decision-making in relation to the introduction of exotic plant species not already present in the region's coastal marine area.</p>
2. Exotic animals	<p>A precautionary approach will be adopted towards the assessment and decision-making in relation to the introduction of animals not already present in the region's coastal marine area.</p>
3. Plant pests	<p>The spread of plant pests within the meaning of the Biosecurity Act 1993 shall be controlled in accordance with the Regional Plant Pest and Animal Pest Management Strategy.</p>
4. Restoration planting	<p>Indigenous plant species preferably from local genetic stock, should be used</p>

	<p>where practicable whenever restoration plantings are carried out in, or adjacent to, the coastal marine area for the purposes of:</p> <ul style="list-style-type: none"> <li>i) preventing bank instability</li> <li>ii) avoiding, remedying or mitigating the adverse effects of erosion and/or inundation from storms or sea level rise</li> <li>iii) preserving, restoring and rehabilitating the natural character of the coastal environment where appropriate</li> <li>iv) maintaining and enhancing habitats of indigenous fauna.</li> </ul> <p>Explanation 21.4 The RMA does not specifically regulate the introduction of animal species into the coastal marine area. However, this Plan does regulate the erection of structures and other activities that could be associated with the introduction of new animal species (eg: aquaculture activities). Guideline 2 recognises this position while acknowledging that there are potential risks that the introduction of new species (say for aquaculture) will cause adverse effects on other fisheries and the marine environment, if the new species reproduces out of control. S30 of the RMA limits the extent to which HBRC can regulate fisheries (eg: HBRC cannot exercise control to prevent a species being introduced for aquaculture on the grounds that it may have adverse effects on other fisheries).</p>
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**Issue 23-1** Aquaculture activities typically require large areas of coastal space. There is a consequent need to ensure aquaculture activities are located, constructed, and managed to minimise potential conflicts between marine farming and other activities in, or values of, the coastal marine area.

**Objective 23-1** Adverse effects on the environment associated with aquaculture activities in the coastal marine area are avoided, remedied or mitigated.

**Policy 23-1** To manage aquaculture activities in the coastal marine area in accordance with the environmental guidelines set out in Table 8.

Table 8: Environmental Guidelines – Aquaculture Activities in CMA

Issue	Guideline
1. Location	<p>a) Establishment or expansion of aquaculture activities shall be prohibited in locations that are:</p> <ul style="list-style-type: none"> <li>i) already identified as Aquaculture Management Areas and fully developed by aquaculture activities</li> <li>ii) outside Aquaculture Management Areas identified in the Plan or</li> <li>iii) unsuitable for aquaculture because of potential conflicts with the use, development or protection of adjacent areas and activities.</li> </ul> <p>b) The layout and location of aquaculture activities within Aquaculture Management Areas shall be controlled to ensure they are constructed and maintained in a manner so safe and efficient navigation, recreation activities and navigation channels for shipping activities, habitats of indigenous marine flora and fauna, and cultural values, are maintained. HBRC will identify “Aquaculture Excluded Areas” for the purposes of s165W of the RMA where Aquaculture Management Areas will not be allowed.</p>
2. Space within AMAs	<p>a) The efficient use and development of coastal space within Aquaculture Management Areas shall be promoted by:</p> <ul style="list-style-type: none"> <li>i) HBRC not initiating or adopting any new Aquaculture Management Areas in the region, other than for aquaculture activities that hold a current resource consent for that activity and</li> <li>ii) assessing potential for new Aquaculture Management Area by way of a plan change request process under the RMA’s First Schedule and</li> <li>iii) using a ‘priority in time’ method to allocate space within any newly defined Aquaculture Management Areas.</li> </ul> <p>b) Aquaculture activities operating within Aquaculture Management Areas shall be provided for by:</p>

	<p>i) restricting other activities proposing to locate within Aquaculture Management Areas and</p> <p>ii) having regard to the need to maintain water quality in the coastal marine area for aquaculture in Aquaculture Management Areas.</p> <p>c) Any privately initiated plan change applications requesting the inclusion of new Aquaculture Management Areas in this Plan may be required to provide information in relation to any or all of the following:</p> <p>i) the location of the proposed Aquaculture Management Area</p> <p>ii) an assessment of the present nature of the site, both physical and biological including the nature of the sea floor and species found in the area</p> <p>iii) consideration of actual or potential effects on marine ecology of feed likely to be added to the environment within the proposed Aquaculture Management Area</p> <p>iv) consideration of navigational matters including adequate clearance from:</p> <ul style="list-style-type: none"> <li>the shoreline</li> <li>any adjacent aquaculture activities</li> <li>jetties, wharves, boat ramps and any other points of access to the shore</li> <li>headlands</li> <li>navigational routes</li> <li>anchorage and mooring areas</li> <li>access lanes and reserved areas defined in Navigation and Safety Bylaws</li> <li>sub aqueous cable.</li> </ul> <p>v) consideration of aesthetic and cultural matters including:</p> <ul style="list-style-type: none"> <li>proximity to dwellings, land zoned for residential use, and land subdivided for residential use</li> <li>proximity to, and likely effects on,</li> </ul>
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	<p>areas of:</p> <ul style="list-style-type: none"> <li>- scenic value</li> <li>- ecological value</li> <li>- recreational value and</li> <li>- historic or traditional importance.</li> </ul> <p>vi) particular site requirements of different forms of aquaculture</p> <p>vii) whether there is any suitable undeveloped space in existing Aquaculture Management Areas</p> <p>viii) consideration of the degree of exclusive occupation of space required in relation to available space within the locality and effects on existing uses of the coastal space</p> <p>ix) other matters including:</p> <ul style="list-style-type: none"> <li>• likely effect on areas used for commercial and recreational fishing</li> <li>• the visual effect of aquaculture development and operation in the Aquaculture Management Area</li> <li>• the alienation of public coastal space</li> <li>• the extent to which an aquaculture activity in the Aquaculture Management Area may require ancillary on-shore facilities and the extent to which those are available or may be developed.</li> </ul> <p>x) an assessment of how the proposed Aquaculture Management Area will give effect to the provisions in this Plan and its consistency with the New Zealand Coastal Policy Statement and Regional Policy Statement.</p> <p>xi) an assessment of how the proposed Aquaculture Management Area is consistent with Part II of the RMA.</p>
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**Rule 109** Structures in an Aquaculture Management Area required for an aquaculture activity

**Activity**

The erection, reconstruction, placement, alteration, or extension of a structure required for an aquaculture activity in an Aquaculture Management Area; and any associated disturbance of the foreshore or seabed.

Classification      Controlled

Conditions/Standards/Terms

a) The aquaculture activity must not exceed the area of coastal space for which it is authorised to occupy.

Matters of Control/Discretion

- a) The condition and maintenance of any structure
- b) Necessity of structure(s) for types of species authorised to be farmed
- c) Effects arising from any disturbance of the foreshore or seabed
- d) Effects arising from any deposition of material in the coastal marine area
- e) Any discharge of contaminants
- f) Effects on navigation and safety, including provision for warning devices, signs & lighting
- g) Effects on the natural character of the coast
- h) Effects on marine ecosystems present in the surrounding area
- i) Removal of any structure at the expiration of the resource consent
- j) Timing and/or staging of structures' development
- k) Matters in Chapter 26.4.

**Rule 139** Depositions of 50,000m<sup>3</sup> or less per year not regulated by, or not complying with, other rules

Activity

Except as provided for in Rule 143, the deposition of any substance on the foreshore or seabed which involves quantities less than or equal to 50,000m<sup>3</sup> at a site in the coastal marine area in any 12 month period, that:

- is not specifically classified by any other rules in this Plan as a discretionary, non-complying or prohibited activity or
- does not comply with all relevant conditions on a permitted activity rule or
- does not comply with all relevant standards and terms on a controlled activity rule.

Classification

Restricted Discretionary

Conditions/Standards/Terms

Matters of Control/Discretion

- a) The material characteristics, toxicity, contaminant levels, quantity, area, location and timing of deposition
- b) Coastal water quality
- c) Effects on other uses, and navigation
- d) Effects on marine life (including benthic communities and feral shellfish collection beds)
- e) Matters in Chapter 26.4.

Notification Requirements

Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC will require notice of an application to be served on all affected persons (if any), unless all affected persons have provided their written approval.

**Rule 144**

Introduction or planting of an already present exotic plant species

Activity

The introduction or planting of an exotic plant species within the coastal marine area that is already present in an area.

Classification

Discretionary

**Rule 145**

Introduction or planting of an exotic plant species not already present

Activity

The introduction or planting of any exotic plant species within the coastal marine area that is not already present in an area.

Classification

Discretionary and Restricted

Notification Requirements

Coastal Activity Applications will be publicly notified as required by s117(3) of the RMA.

**Rule 146**

Introduction or planting of plant pests

Activity

Notwithstanding Rule 144 and Rule 145, the introduction to, or planting within, the coastal marine area of any plant pest within the meaning of the Biosecurity Act 1993.

Classification

Prohibited

### **Rule 153**

Discharges not regulated by, or not complying with, other rules. The discharge of a contaminant or water into water in the coastal marine area, or the discharge of a contaminant into or onto land in the coastal marine area in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water in the coastal marine area that:

- is not specifically classified by any other rule in this Plan as a non-complying or prohibited activity or
- does not comply with all relevant conditions on a permitted activity rule or
- does not comply with all relevant standards and terms on a controlled activity rule or a restricted discretionary rule.

### **Rule 174 Occupation of space in an AMA**

#### Activity

Occupation of coastal marine area within an Aquaculture Management Area by an aquaculture activity.

#### Classification

#### Controlled

#### Conditions/Standards/Terms

- a) Where a current resource consent has been issued for the aquaculture activity, then all conditions of that resource consent must be complied with.
- b) The occupation must only be for the purpose of farming

#### Matters of Control/Discretion

- a) Effects on navigation and safety, including provision for warning devices, signs and lights
- b) Effects on marine

#### Notification Requirements

Except where an applicant requests or where special circumstances exist, an application will not be publicly notified, but HBRC

## Horizons Regional Coastal Plan Change 1 & 2

### Operative January 2002

#### Glossary

##### **Marine Farming Structure**

Any structure used in association with a marine farm, as defined in the Marine Farming Act, including boundary markings.

##### **12.3 Rule 11**

11.1 Except as provided for in RCP Rules 1 - 10, any discharge to water in the coastal marine area, except from vessels is a **discretionary activity**.

##### **Information Requirements**

11.2 In addition to the general information requirements set out in Section 31 of this Plan, applications for this activity shall include the following information:

- a. Quantity of contaminants to be discharged to the environment, and how the applicant intends to monitor the rate of discharge.
- b. Constituents of the discharge, including likely amounts or proportions of the constituents, and how the applicant intends to monitor the discharge quality.
- c. A statement as to how the discharge complies with the standards in Section 107 of the Act and the relevant rules and policies in the Plan, particularly RCP Rule 1 and Policies 5.1 and 5.2. This will include evidence that, after reasonable mixing, the discharge will not give rise to any significant effects on habitats, feeding grounds or ecosystems and the discharge better meets the purpose of the Act than disposal to land.

##### **17.2 Objective 8**

To avoid, remedy or mitigate any adverse environmental effects of structures on the foreshore and seabed of the coastal marine area.

##### **17.3 Policies**

###### **Policy 8.1**

To allow existing structures, as specified in Schedule One of this Plan, within the coastal marine area.

###### **Policy 8.2**

To ensure that any new structures, or modifications or maintenance of existing structures, and any associated occupation of the coastal marine area, do not have any significant adverse effects on:

- a. the natural character of the coastal environment, including landforms and geological sites, the level of existing modification, use and development, and coastal processes;
- b. any indigenous flora and habitats of indigenous fauna (including their loss);
- c. Maori cultural or spiritual values;
- d. amenity values, including the contribution that open space makes to coastal amenity values; or
- e. cultural heritage values; and that they do not result in:
  - f. a loss of stability of any river bank or area of foreshore;
  - g. a significant interference with natural coastal processes, including sediment movement;
  - h. adverse effects on navigation and safety;

- i. adverse effects on existing hazard protection works;
- j. restricting public access to and along the coastal marine area;
- k. a lowering of water quality beyond the construction period; or
- l. adverse effects on any network utility structure, including cables and lines; and that any associated disturbance of the foreshore or seabed associated with the installation of these structures complies with Section 16 of this Plan. Cross reference to Section 24 Protection of Heritage Sites.

### **Policy 8.3**

To ensure redundant structures within the coastal marine area are removed unless such removal is likely to result in more significant adverse environmental effects than leaving the structure in place. Cross reference to Section 24 Protection of Heritage Sites.

### **Policy 8.4**

To ensure any new marina development within the coastal marine area includes provisions for:

- a. facilities for rubbish disposal; and
- b. the collection and appropriate disposal of the residues from vessel maintenance; and
- c. adequate and convenient facilities to collect sewage from vessels.

### **Policy 8.5**

To discourage the development of structures within the coastal marine area where they can be sited outside the coastal marine area.

## **17.5.1 Rule 32**

32.1 **Within the coastal marine area** any activity:

- a. involving the erection of a structure or structures which will impound or effectively contain 4 hectares or more of coastal marine area; or
- b. involving the erection of a structure or structures which:
  - i. is solid (or presents a significant barrier to water or sediment movement); and
  - ii. when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous); or
- c. involving the erection of a structure or structures which:
  - i. is solid (or presents a significant barrier to water or sediment movement); and
  - ii. is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area; and
  - iii is in horizontal projection 100 metres or more in length; is a **discretionary activity** and a **restricted coastal activity**

### **Information Requirements**

32.2 The information required with consent applications for this activity is set out in Section 31 of this Plan.

## **17.5.1 Rule 34**

**Within the Protection Areas**, as defined in Section 12 of this Plan, except as provided for by RCP Rule 30 any activity involving the erection, reconstruction or placement, and any associated

occupation of the coastal marine area, of any diversion structure, wharf, marina, boat shed or marine farming structure; is a **prohibited activity**.

### **17.5.1 Rule 41**

41.1 **Within the General Coastal Area**, as defined in Section 12 of this Plan, except as provided for by RCP Rules 30, 31, 32 or 33:

- a. any activity involving the erection, reconstruction, placement, alteration, extension, removal or demolition, and any associated occupation of the coastal marine area, of any diversion structure, marina, wharf, marine farming structure, footbridge and access way or boat shed; and
- b. any activity involving the erection, reconstruction, placement, alteration, extension, removal or demolition, and any associated occupation of the coastal marine area, of any new mooring, navigational aid structure, or maimai placed for the duration of one duckshooting season or less, which breaches the conditions in RCP Rule 39; is a **discretionary activity**.

41.2 Activities involving the construction of a new marina must comply with the following standards:

- a. facilities shall be provided for the disposal of rubbish;
- b. facilities shall be provided for the collection and disposal of residues from vessel maintenance; and
- c. facilities shall be provided to collect sewage from boats.

#### **Information Requirements**

41.3 The information required with consent applications for this activity is set out in Section 31 of this Plan.

## **Horizons**

### **Proposed One Plan**

#### **Policy 9.3 Aquaculture Zones**

Aquaculture activities in the CMA shall require the establishment of an aquaculture management area by way of a notified change to Chapter 17 of this Plan (that is, the Regional Coastal Plan) in accordance with s 68A RMA.

### **17.2 – Occupation: Policy 17.1 Occupation of space by aquaculture**

The allocation of space for aquaculture shall be established through a plan change in accordance with Sections 12A and 165C of the RMA, and the following matters shall be given particular consideration:

- (a) the objectives and policies of Chapter 9 and any relevant policies in the New Zealand Coastal Policy Statement
- (b) the impact of the proposed activity on neighbouring uses and the ecological carrying capacity of the area
- (c) the type and location of any land-use facilities that would be required
- (d) the effects on navigation safety, public access, natural character and marine ecosystems
- (e) available alternatives to the applicant's proposal and the applicant's reason for making the proposed choice.

**17.2 – Occupation: Rule 17-3, 17-4 17-5**

<b>Rule</b>	<b>Activity</b>	<b>Classification</b>	<b>Conditions/ Standards/Terms</b>	<b>Control/Discretion Non-Notification</b>
<b>17-3 Occupation of space by aquaculture</b>	The occupation of space within the CMA pursuant to s 12(2) RMA by any aquaculture activity which is not otherwise restricted by Rule 17-4 or prohibited by Rule 17-5.	<b>Controlled</b>	(a) The aquaculture activity shall occur within an operative aquaculture management area established in accordance with Policy 17-1.	Control is reserved over: (a) effects on navigation safety (b) effects on public access (c) effects on natural character (d) efficient use of the CMA (e) duration of consent (f) review of consent conditions (g) compliance monitoring.
<b>17-4 Exclusive occupation</b>	Any activity involving occupation of the CMA pursuant to s12(2) RMA which: (a) would exclude or effectively exclude public access from an area over 10 ha (except where such exclusion is required in commercial port areas for reasons of public safety or security) (b) would effectively exclude the public from more than 316 m along the length of the foreshore (c) would involve occupation or use of an	<b>Discretionary and restricted coastal activity</b>		

	area greater than 50 ha of the CMA and such occupation or use would restrict public access to or through such an area.			
<b>17-5 Occupation of space in protection zones</b>	The occupation of space pursuant to s 12(2) RMA within a protection zone, as shown in Schedule H, by any aquaculture activity, energy generation structure, port structure, or marina.	<b>Prohibited</b>		

### 17.3 – Structures: Rule 17-11 and 17-14

<b>Rule</b>	<b>Activity</b>	<b>Classification</b>	<b>Conditions/ Standards/Terms</b>	<b>Control/Discretion Non-Notification</b>
<b>17-11 Aquaculture structures</b>	The erection, reconstruction, placement, alteration or extension of any structure for the purpose of aquaculture pursuant to s 12(1) RMA and any associated: (a) occupation of space in the CMA pursuant to s 12(2)	<b>Controlled</b>	a) The activity shall occur only within an operative aquaculture management area established in accordance with Policy 17-1. (b) The activity shall comply with the conditions listed in Table 17.1.	Control is reserved over: (a) the type, quantity and frequency of any discharges (b) any effects on navigation safety (c) the method of undertaking the activity (d) the timing and/or staging of the activity (e) duration of consent (f) review of consent conditions (g) compliance monitoring.

	<p>(b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA</p> <p>(d) damming or diversion of water pursuant to s 14(2) RMA</p> <p>(e) discharge of water, contaminants or sediment pursuant s 15(1) RMA</p>			
<p><b>17-14 Structures in a protection zone</b></p>	<p>Any activity within a protection zone shown in Schedule H, which involves the erection of any of the following structures pursuant to s 12(1) RMA:</p> <p>(a) a structure for the storage or containment of petroleum products or contaminants</p> <p>(b) a structure which will impound or effectively contain 4 ha or more of the CMA</p> <p>(c) a wharf, marina, boat shed, aquaculture structure or</p>	<p><b>Prohibited</b></p>		

	energy generation structure.			
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**Table 17.1 -Standard conditions for permitted and controlled activities in the coastal marine area (CMA)**

<b>Value</b>	<b>Condition</b>
Life-Supporting Capacity (applies to all sites with a value of Life-Supporting Capacity as shown in Schedule D)	<p>(a) The activity shall not adversely reduce the ability of the estuarine water body to convey flood flows or floating debris.</p> <p>(b) There shall be no discharge of contaminants, other than sediment and other contaminants inherent to the water or bed, into the coastal marine area.</p> <p>(c) Any discharge of sediment directly caused by the activity shall not be undertaken for more than 5 days, or for more than 12 hours on any one of those 5 days.</p> <p>(d) Any discharge of sediment under condition (c) shall not, after reasonable mixing*, cause any conspicuous change in the colour of water in the receiving water body, or any change in horizontal visibility of greater than 30%, more than 24 hours after completion of the activity.</p> <p>(e) Any materials used shall be necessary for the activity and shall not be toxic* to marine ecosystems.</p> <p>(f) Any materials no longer required as part of the activity, including any temporary structures, shall not be stored in or on any foreshore area and shall be removed from the CMA upon completion of the activity.</p> <p>(g) Refueling of machinery (other than boats) shall not take place in any area where spills may enter coastal water.</p> <p>(h) Upon completion of any channel bank works, the banks shall be reinstated to a natural contour and revegetated.</p> <p>(i) The activity shall not disturb any archaeological site, waahi tapu or koiwi remains as identified in any district plan, in the New Zealand Archaeological Association's Site Recording Scheme or by the Historic Places Trust, except where Historic Places Trust approval has been obtained.</p> <p>(j) In the event of an archaeological site, waahi tapu or koiwi remains being discovered or disturbed while undertaking the activity, the activity shall cease and the Regional Council shall be notified as soon as practicable. The activity shall not be recommenced without the approval of the Regional Council.</p>

**Rule 17-38 Exotic and introduced plants**

<b>Rule</b>	<b>Activity</b>	<b>Classification</b>	<b>Conditions/ Standards/Terms</b>	<b>Control/Discretion Non-Notification</b>
<b>17-38 Exotic and introduced plants</b>	Pursuant to s 12(1) RMA and s 1 NZCPS, the introduction or planting of any exotic or	<b>Discretionary and restricted coastal activity</b>		

	introduced plant species within the CMA, which is not already present in the region.			
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## Regional Coastal Plan for Taranaki

August 1997

### Regional Rules

#### 4.2 – General Rules: Rule G1.3

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy References
Other occupation of land of the Crown in the coastal marine area or land vested in the Taranaki Regional Council and occupation of related parts of the coastal marine area	G1.3	<ul style="list-style-type: none"> <li>• Occupation does not come within and/or comply with any other rule in this plan that authorises occupation.</li> <li>• Occupation excludes occupation related to structures when there is a rule relating to structure placement that specifically provides for occupation.</li> </ul>	Discretionary			1.1, 3.1, 3.2, 3.3, 5.7, 13.1(c), 14.1, 14.2, 14.3, 14.4, 14.5, 14.6

#### 4.2 – General Rules: Rule G4.1

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy References
Introduction of any exotic plant species	G4.1	<ul style="list-style-type: none"> <li>• Plant species is not already present in the area</li> </ul>	Discretionary and Restricted Coastal			2.1, 2.2, 2.3, 9.9

#### 4.2 – Coastal Management Area C: Rules C1.7, 1.8 and C1.9

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy References
Erection or placement of a large structure or structures, and related occupation of the coastal marine area	C1.7	<ul style="list-style-type: none"> <li>• Structure impounds or effectively contains 4 hectares or more of the coastal marine area.</li> </ul>	Discretionary and Restricted Coastal			1.1(d), 2.1, 2.3, 3.1, 3.2, 3.3, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.10, 11.1, 11.2, 13.1, 13.2, 14.1, 14.2, 14.3
Erection or placement of a large structure or	C1.8	<ul style="list-style-type: none"> <li>• Structure presents a significant barrier to water or sediment movement;</li> <li>• Structure is 300 metres or more in length parallel to the</li> </ul>	Discretionary and Restricted Coastal			1.1(d), 2.1, 2.3, 3.1, 3.2, 3.3, 6.1, 6.2, 7.1, 7.2,

structures, and related occupation of the coastal marine area		line of mean high water springs (including separate structures the sum of whose individual length would be 300 metres or more).				7.3, 7.4, 8.1, 8.2, 9.10, 11.1, 11.2, 13.1, 13.2, 14.1, 14.2, 14.32
Erection or placement of a <b>large structure</b> or structures, and related occupation of the coastal marine area	C1.9	<ul style="list-style-type: none"> <li>• Structure presents a significant barrier to water or sediment movement;</li> <li>• Structure is sited obliquely or perpendicular to the line of mean high water springs;</li> <li>• Structure is 100 metres or more in horizontal projection.</li> </ul>	Discretionary and Restricted Coastal			1.1(d), 2.1, 2.3, 3.1, 3.2, 3.3, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.10, 11.1, 11.2, 13.1, 13.2, 14.1, 14.2, 14.3

#### 4.2 – Coastal Management Area C: Rules C1.11

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy References
Erection, placement, reconstruction, alteration or extension of a structure and the activity or structure does not come within and/or comply with any of rules C1.1 to C1.10	C1.11		Discretionary			1.1(d), 2.1, 2.3, 3.1, 3.2, 3.3, 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 8.1, 8.2, 9.7, 9.10, 11.1, 11.2, 13.1, 13.2, 14.1, 14.2, 14.3

#### 4.2 – Coastal Management Area C: Rules C2.6 and 2.7

Activity	Rule	Standards/Terms/Conditions	Classification	Notification	Control/Discretion	Policy References
Discharge of contaminants or water into water or onto land in the coastal marine area and the discharge does not come within and/or comply	C2.6	<p>Standards / Terms / Conditions</p> <p>Discharge gives rise to any or all of the following effects in the receiving waters, after reasonable mixing:</p> <p>(a) production of conspicuous oil or grease films, scums, or foams, or floatable or</p>				

with any of rules C2.1 to C2.5 (Discretionary and Restricted Coastal)		suspended materials; (b) conspicuous change in colour or visual clarity; (c) emission of objectionable odour; d) significant adverse effects on aquatic life; and such effects are not of a temporary nature or associated with necessary maintenance work.				
Discharge of contaminants or water into water or onto land in the coastal marine area and discharge does not come within and/or comply with rule C2.6 (Discretionary)	C2.7		Discretionary			

### Coastal Management Area C: Rules C3.4 & C3.5

Activity	Rule	Standards/Terms/Conditions	Classification	Not ific ati on	Control/Di scretion	Policy Reference s
Disturbance, damage or destruction of foreshore and seabed, including any removal of sand, shell, shingle or other natural material. (Discretionary and Restricted Coastal)	C3.4	Disturbance of material: (i) in volumes greater than 50 000 cubic metres; or (ii) extracted from areas of 4 hectares or more; or (iii) extending 1000 metres or more over foreshore and seabed.				
Disturbance, damage or destruction of the foreshore and seabed, including any removal of sand, shell, shingle or other natural material and does not come			Discretionary			

within any of rules C3.1 to C3.4 and is restricted by Section 12(1)(c), 12(1)(e) or 12(2) of the Act (Discretionary).						
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## Issue 6

### Policy 6.1

*A new structure or extension of an existing structure should:*

- (a) *not interact with or intercept sediment flow in a way that could materially increase the risk of coastal erosion or accretion;*
- (b) *not cause significant foreshore or seabed erosion by reflecting or refracting wave energy.*

### Policy 6.2

*Structures should be removed from the coastal marine area or demolished at the expiry of their authorisations or on the refusal of grant of a new authorisation or at the end of their useful lives,*

*provided that none of the following apply:*

- (a) *a new authorisation has been granted, or applied for but not yet determined; or*
- (b) *removal of the structure would cause greater adverse effects on the environment than leaving the structure in place, and in this respect, the matters in policy 6.3 should be considered; or*
- (c) *the structure will have no more than minor adverse effects on the environment or on public access or use of the coastal marine area if left in place; or*
- (d) *the structure is an integral part of an historic area or place.*

### Policy 6.5

*Disturbance of the foreshore or seabed should:*

- (a) *not remove such quantities of sediment from the onshore-offshore or longshore drift systems as to materially increase the risk of coastal erosion; and*
- (b) *not adversely affect the amenity values of the foreshore;*
- (c) *remove material only if that material can be replaced by natural coastal processes, except where it is consistent with the purpose of the Act to do otherwise.*

### Policy 6.6

*The deposition of substances to the foreshore and seabed should:*

- (a) *not contaminate receiving sediments in the onshore-offshore or longshore drift systems nor lead to circulation or bioaccumulation of contaminants through the food chain;*
- (b) *not adversely affect the form of the foreshore (and in this respect, regard should be had to the desirability of a deposited substance being of the same size, sorting and parent material as the receiving sediments);*
- (c) *not occur in estuaries other than in minor quantities or for flood or erosion control purposes;*
- (d) *not cover rock habitat in areas of predominantly sandy seabed or foreshore (excluding areas*

*where those rock habitats have been exposed by coastal erosion induced by human activities);  
and deposits for the purpose of disposal of solid waste originating from outside the coastal marine area, other than when the material is clean fill for the purpose of reclamation in accordance with this plan will not be allowed.*

## **Issue 9**

### **Policy 9.5**

*After reasonable mixing, no discharge (either by itself or in combination with other discharges) may give rise to any significant adverse effects on habitats, feeding grounds or ecosystems.*

### **Policy 9.9**

*The introduction of exotic organisms to New Zealand coastal waters shall be avoided as far as is practicable and, in particular, risk minimisation methods will be used or required where there is a reasonable risk that an activity could result in the introduction of an exotic species which could:*

- (a) endanger or cause the regional or national extinction of any indigenous species; or*
- (b) adversely affect human health, fisheries, shellfisheries, aquaculture or marine ecosystems.*

### **Policy 9.10**

*When considering coastal permit applications for reclamations, activities involving structures, disturbances to the foreshore and seabed, or deposits of substances to the foreshore and seabed, the Taranaki Regional Council will consider adverse effects on water quality with respect to the need to safeguard the life-supporting capacity of water and aquatic ecosystems.*

## **Issue 13**

### **Policy 13.1**

*Use or development of the coastal marine area should:*

- (a) allow the free and safe passage of ships (including every description of boat or craft) to and from recognised launching, mooring or berthing areas;*
- (b) not adversely affect the functioning of navigational aids;*
- (c) allow people to have safe access to and along the coastal marine area;*
- (d) allow people to make safe use of the foreshore and coastal waters for contact recreation;*
- (e) avoid light emissions that could affect the safe navigation of ships; and*
- (f) provide for appropriate notice to be made when the navigability of an area changes as a result of that use or development.*

### **Policy 13.2**

*Use or development of the coastal marine area shall not interfere with the safe operation of New Plymouth Airport, and in particular, uses or developments shall not interfere with the flight path protection surfaces surrounding the airport.*

### **Policy 13.3**

*Conflicting recreational and commercial surface water activities in the coastal marine area shall be separated, when necessary, to protect human health and safety.*

**Policy 13.4**

*The Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy shall be notified of new structures and harbour works in the coastal marine area at the time that a coastal permit is granted for the construction of that structure or harbour work and upon completion of that structure or work.*

**Policy 14.2**

*Where existing public access along land of the Crown or land vested in the Taranaki Regional Council is denied or restricted by use or development of the coastal marine area, acceptable alternative public access may be required to be provided or improved by that person whose activities are responsible for the denial or restriction of existing*

**Issue 14 – Policy 14.3**

*Restrictions on public access along the coastal marine area should only be imposed where such a restriction is necessary for the purposes of:* (a) *protecting areas of significant indigenous vegetation or significant habitats of indigenous fauna, or both;*  
(b) *protecting Maori cultural values;*  
(c) *protecting the health and safety of the public where these may be adversely affected by an activity in the coastal environment;*  
(d) *ensuring a level of security consistent with the purpose of a resource consent;*  
(e) *providing for defence purposes; or*  
(f) *in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.*

# Regional Coastal Plan for the Wellington Region

Operative 19 June 2000

## 2.3 Structures

### Environmental

2.3.1 There are demands for new structures to provide for human uses of the coastal marine area, to protect property assets from coastal hazards, and to assist with river management. These structures can have both positive and negative effects.

2.3.2 The occupation of the foreshore or seabed by structures may result in the permanent loss of habitat and biological productivity, or changes to the nature of benthic communities. Structures can also provide new habitat of a different character.

2.3.3 Structures may affect, and may be affected by, wave energy, tidal flows, and sediment transport processes. Rising sea level may also have adverse effects on structures.

## 2.6 Exotic or introduced plants

### Environmental

2.6.1 Exotic or introduced plants may displace native flora and fauna by altering ecological or physical processes, such as changing sedimentation rates, using available habitat, or competing with native species. However, in some cases, exotic or introduced plant species may also have beneficial effects such as providing habitat for desired fish and shellfish species.

2.6.2 Exotic or introduced plants can become weeds and have the potential to have adverse effects on natural character of the coastal environment. In extreme cases weeds, (for example, *Spartina*) can clog channels or restrict access into the water. This results in adverse effects on other activities, such as fishing, boating, and recreation.

2.6.3 The entry of biotoxins from phytoplankton (possibly of exotic origin) to the shellfish food chain can result in poisoning of people eating contaminated shellfish. Three people suffered from toxic shellfish poisoning in 1993 after eating shellfish gathered from the Wellington regional coastline.

2.6.4 There is interest in the possibilities of commercial cultivation of some species (for example, Asian kelp), because of their popularity for consumption in other countries. However, the introduction of such species may have adverse effects on the environment.

2.6.5 It can be extremely difficult (and in some cases impossible) to eradicate invasive plant species once they are established in the coastal marine area.

## 4.2 Policies

4.2.2 To recognise and distinguish between those parts of the coastal marine area which retain natural character, and those areas where natural character has already been compromised, and to encourage appropriate new developments only in the latter areas.

**Explanation.** *Generally the natural character of the coastal marine area has been compromised in areas adjacent to urban areas, such as in Wellington Harbour, and is preserved adjacent to rural areas, such as along most of the Wairarapa coast. New development should generally be located in the former areas, and avoided in the latter areas.*

4.2.3 When considering the significance of adverse effects of activities on the coastal marine area, to recognise and distinguish between:

- those activities which require occupancy on a "permanent" basis, and those which can effectively relinquish coastal space at a future date;
- those activities which have irreversible adverse effects and those for which adverse effects are reversible; and
- those activities which have short term adverse effects and those which have on-going or long term adverse effects.

**Explanation.** *Activities in the coastal marine area vary in the degree to which they can be removed, the degree to which any adverse effects could be reversed at some future date, and the duration of the adverse effects. Reclamations are essentially permanent and irreversible, and remove foreshore, seabed, and water from the coastal marine area. Other activities such as the construction of large wharf structures can be considered permanent, although technically they can be removed. These activities contrast with other activities, such as swing moorings, which can be removed relatively easily. The effects of activities can also be considered on a time scale. For example, some activities displace fauna and flora, but in many cases the site will be recolonised in a relatively short time, so the adverse effects are less severe than where the displacement results in a permanent change.*

*Policy 4.2.3 requires decision makers to take appropriate account of the differences in the effects of activities when considering whether to allow them to proceed, and when considering the duration of a consent.*

4.2.5 To adopt a precautionary approach to resource management decisions in the coastal marine area, particularly in those situations where it is difficult to predict adverse effects with any certainty.

**Explanation.** *Hey (1991) notes that the precautionary approach makes explicit that preventative or remedial action does not have to await the presentation of conclusive scientific evidence of significant adverse effects on the environment. Rather, preventative or remedial action should be taken if scientific and cultural evidence makes it plausible that significant adverse effects on the environment will occur.*

4.2.8 To recognise existing lawful commercial and recreational users of the coastal marine area, and to protect them from the adverse effects of new activities as far as is practicable.

**Explanation.** *Policy 4.2.8 will require the Wellington Regional Council to consider and minimise the effects of inter-user conflicts. The methods which achieve this Policy will focus on resolving conflict, as well as avoiding remedying and mitigating adverse effects. "As far as practicable" includes recognition of both technical and financial constraints.*

4.2.23 To recognise that aquaculture is an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

4.2.30 To co-operate with, and where possible initiate or participate in, research that will assist the Wellington Regional Council to better fulfil its coastal management responsibilities; and to ensure that appropriate information is provided by applicants for resource consents.

**Explanation.** *Sound research will assist the Wellington Regional Council to make high quality decisions regarding the management of the coast.*

## 6.1 Objectives

### Environmental

6.1.1 Appropriate structures which enable people and communities to provide for their economic and social well-being are allowed.

6.1.2 There is no inappropriate use or development of structures in the coastal marine area.

6.1.3 The environment is protected from the adverse effects and risks associated with spills from facilities using and/or storing of hazardous substances.

6.1.4 The community and its assets are protected from unacceptable risks from facilities using and/or storing hazardous substances.

## **Management**

6.1.5 The administrative requirements for structures in the coastal marine area are minimised in those situations where effects are minor.

6.1.6 A comprehensive inventory of all structures in the coastal marine area is compiled and maintained.

## **6.2 Policies**

6.2.1 To consider the following as appropriate in the coastal marine area:

- the use and development of structures in the coastal marine area for;
  - (1) activities which are functionally dependent upon a location in the coastal marine area; or
  - (2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area;
- the use and development of structures in the Lambton Harbour Development Area;
- the use and development of structures for defence purposes; or
- the development of structures for network utility operations.

**Explanation.** Policy 6.2.1 lists criteria for the appropriate use and development of structures in the coastal marine area. Uses and developments which do not meet these criteria are inappropriate. Except for in the Lambton Harbour Development Area, any structure associated with a use that does not have to be located in the coastal marine area is considered inappropriate. For example, the use of boat sheds for storing boats and other associated objects is appropriate, but living in boat sheds is considered inappropriate. Special provision is made for network utility operations in recognition of the important role these operations play in providing for the social and economic well being of people and communities. "Defence purposes" are those in accordance with the Defence Act 1990. The Policy does not preclude the need for appropriate developments to comply with environmental controls, as outlined in Policy 6.2.2.

6.2.2 To not allow the use or development of structures in the coastal marine area where there will be adverse effects on:

- any Area of Significant Conservation Value, or Area of Important Conservation Value;
- characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori;
- significant places or areas of historic or cultural significance; or
- significant ecosystems; or significant adverse effects on:
  - the risk from natural hazards;
  - navigation channels;
  - coastal processes, including waves, tidal currents and sediment transport;
  - amenity values;
  - existing lawful public access;

- natural character;
- views to and from the coastal marine area;
- recreational uses; or
- structures of architectural or historic merit; unless such adverse effects can be satisfactorily mitigated, or remedied.

**Explanation.** Policy 6.2.2 lists important features of the coastal marine area which must be protected from the adverse effects of the use and development of structures. For example, a structure which adversely affects sediment transport may cause shoreline erosion. The Policy requires that such an effect be recognised, and remedied, or mitigate.

6.2.5 To ensure that adequate allowance is made for the following factors when designing any structure: • rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);

- waves and currents;
- storm surge; and
- major earthquake events.

**Explanation.** Sea level is thought to be rising as a result of climate change, and is expected to continue to rise over the next century. The best internationally recognised predictions of the extent of the rise are provided by the IPCC. Policy 6.2.5 requires that these be used in the design of a structure. The Policy also requires consideration of the impacts on the structure of waves, currents, and earthquake events. This requirement would be met if standard engineering practices are followed.

6.2.9 To have particular regard to any relevant provisions in appropriate district plan(s) relating to the protection of important views when assessing an application for an activity involving the development of a structure in the coastal marine area.

**Explanation.** The appropriate district plan or district plans will be the ones that apply in any land area outside of, but adjacent to, the coastal marine area where the structure is to be developed. The district plan may have controls to protect important views to the coastal marine area. These will be taken into account when assessing the application and deciding on any conditions that might be placed on a resource consent.

## 6.3 Rules

### Rule 10

#### Activities in or on structures

Any activity undertaken in or on any structure or any part of a structure fixed in, on, under, or over any foreshore or seabed which is not specifically provided for in a rule in this Plan, and:

- (1) was lawfully occurring at 29 June 1994 (the date of public notification of this Plan as a proposed plan); or
- (2) if outside the Lambton Harbour Development Area, is either:
  - (a) functionally dependent on a location in the coastal marine area; or
  - (b) an activity to support or service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area; or
- (3) is occurring on a new structure for which a coastal permit has been granted and is complying with the terms and conditions of that coastal permit; is a **Permitted Activity** provided it complies with the conditions below.

#### Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

## Rule 13

### Maintenance, repair, replacement, extensions, additions and alterations to structures

Any maintenance, repair, replacement, addition or alteration to or of any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) is not a permitted activity described in Rules 6 to 12; and
- (2) is contained within the form of the existing structure, or adds no more than:
  - (a) within the Commercial Port Area, whichever is the smaller of:
    - 50 % to the plan or cross-sectional area of the structure; or
    - 50 metres in horizontal projection and 20 metres in vertical projection; measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); or
  - (b) within the remaining coastal marine area, whichever is the smaller of:
    - 20% to the plan or cross-sectional area of the structure; or
    - 10 metres in horizontal projection and 3 metres in vertical projection; measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); and
- (3) (a) within any Area of Significant Conservation Value disturbs sand, shingle, shell, or other natural foreshore or seabed material in a quantity of less than either:
  - a rate of 1 cubic metre per 5 metres of structure measured along the length or breadth of the structure, with a maximum disturbance of 20 cubic metres per structure or;
  - 3 cubic metres for placement or replacement of a pile; or(b) outside any Area of Significant Conservation value, does not require any blasting or other destruction of bedrock on the foreshore or seabed; is a **Controlled Activity** provided it complies with the standards and terms specified below.

### Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

### Terms

- (1) The consent holder shall notify the Manager, Consents (Western Region), or the Manager, Planning and Resources (Wairarapa), Wellington Regional Council, 24 hours before any work commences.
- (2) The activity shall comply with the general terms listed in section 14.2.
- (3) The Hydrographer of the Royal New Zealand Navy shall be notified of any new structure or work in the coastal marine area which intrudes into or over any water used for navigation at the time permission is given and at commencement of the work, and when the structure or work is complete.

### Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the extent and nature of the disturbance to foreshore or seabed; and
- (5) the external appearance of the structure.

### **Application for a resource consent**

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the methods to be used; and
- (2) a description and map showing the location of the structure; and
- (3) a statement of the period of time in which work associated with the activity will be completed; and
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (5) an assessment of any actual or potential effects that the external appearance of the structure and the disturbance of the foreshore or seabed may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
  - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
  - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

### **Notification**

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons; except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

### **Additional information**

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

### **Rule 16**

#### **Occupation by structures of land of the Crown or any related part of the coastal marine area**

The occupation by any lawful structure of any land of the Crown or any related part of the coastal marine area, is a **Controlled Activity** provided that activity complies with the terms listed below.

### **Terms**

- (1) The person responsible for the structure shall at all times throughout the period when the structure occupies land of the Crown or any related part of the coastal marine area, pay to the consent authority, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act;
- (2) The activity shall comply with the general terms listed in section 14.2.

### **Control**

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and

- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the degree of exclusivity of the occupation; and
- (5) any maintenance requirements.

### **Application for a resource consent**

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the structure and its current and intended use and the extent of occupation sought, including a statement of whether the public has access to the structure; and
- (2) a description and map showing the location of the structure; and
- (3) a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice; and
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the consent relates, and whether or not the applicant has applied for such consents; and
- (5) an assessment of any actual or potential effects that the occupation by the structure may have on other users of the coastal marine area, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
  - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
  - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

### **Notification**

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons; except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

### **Additional information**

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

### **Rule 25**

#### **All remaining activities involving the use and development of structures outside any Area of Significant Conservation value**

Any activity involving the use or development of any structure or any part of a structure fixed in, on, under or over foreshore or seabed outside an Area of Significant Conservation Value:

- that is not specifically provided for in Rules 6 to 24 or Rules 26 or 27; or
- which cannot meet the requirements of those Rules; is a **Discretionary Activity** and shall comply with the terms below.

## Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

## Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

## Non-complying Activities

### 9.1 Exotic or Introduced Plants Environmental

9.1.1 Introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed is allowed, where it has positive economic or community benefits and can be achieved in a controlled manner without adverse effects on ecological or amenity values.

9.1.2 Invasive exotic or introduced plant species do not become established in the region.

## Management

9.1.3 There are no accidental introductions of exotic or introduced plants.

### 9.2 Policies

9.2.1 To allow the deliberate introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed provided that the consent authority is satisfied that:

- the plant is unlikely to become invasive or spread to other sites or areas not included in the proposal;
- any adverse effects on taonga raranga or mahinga maataitai will be avoided, or satisfactorily mitigated or remedied;
- the plant is unlikely to cause any significant changes in sedimentation rates in areas where it is introduced;
- the plant is unlikely to have any significant adverse effects on species already present in areas where it is introduced; and• the plant is unlikely to produce biotoxins.

**Explanation.** *The applicant will need to demonstrate that it is possible to control the introduction or planting in such a manner as to ensure that the plants remain confined to the area for which consent has been granted, and that there will be no spread of the plant to other sites or areas, accidental or otherwise. These other sites or areas include both the adjacent coastal marine area, and any other area which could be affected by the transport of plants by currents, or by boats working in the area.*

*The applicant will also need to demonstrate that the introduction or planting will not result in any loss to the tangata whenua of taonga raranga or mahinga maataitai through the displacement of native species from the exotic or introduced plants.*

9.2.2 Subject to Policy 9.2.1, to have regard to the economic and community benefits accruing from the introduction or planting of any exotic or introduced plants in the coastal marine area.

**Explanation.** *Policy 9.2.2 is designed to ensure that the community benefits of introducing a new plant species are considered in resource consent decisions.*

9.2.3 To not allow the deliberate introduction or planting of invasive exotic or introduced plants.

**Explanation.** For the purposes of Policy 9.2.3 "invasive" plants are those which are likely to become established as weeds or those species likely to largely displace native species.

### 9.3 Rules

#### Rule 50 Species which are already established in the area

The deliberate introduction or planting of any exotic or introduced plant species (other than any species of the genus *Spartina*) to a part of the coastal marine area where that plant is already naturally or lawfully established in the area is a

#### **Discretionary Activity. Application for a resource consent**

An application for a resource consent shall be made in accordance with section 9.4.

#### **Non-complying and Restricted Coastal Activities**

#### Rule 51 Species not already established in the area

The deliberate introduction of any exotic plant species (other than any species of the genus *Spartina*) to a part of the coastal marine area where that plant is not already naturally or lawfully established in the area is a **Non-complying and Restricted Coastal Activity. Application for a resource consent** An application for a resource consent shall be made in accordance with section 9.4.

### 10.3 Discharges to Land and Water Rules

#### **Rule 57 Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value**

Any discharge onto land or into water in the coastal marine area outside any Area of Significant Conservation Value which is not a permitted activity described in Rules 53-56 and which is a discharge of the type referred to in section 107(1) of the Resource Management Act 1991 is a **Discretionary and Restricted Coastal Activity.**

#### **Application for a resource consent**

An application for a resource consent shall be made in accordance with section 10.4.

#### **Rule 61 Other activities involving discharges to land and water outside Areas of Significant Conservation Value**

Any discharge of a contaminant or water onto land or into water in the coastal marine area, outside any Area of Significant Conservation Value:

- not provided for in Rules 53-60 or 62 or any other rules in this Plan; or
- which cannot meet the requirements of those rules;

is a **Discretionary Activity.**

#### **Application for a resource consent**

An application for a resource consent shall be made in accordance with section 10.4.

#### **10.4 Application for a resource consent**

Unless otherwise stated in a rule, an application for a resource consent for an activity involving the discharge of a contaminant or water to water in the

coastal marine area shall be made on the prescribed form and shall, where relevant, include:

- (1) a description of the activity, including the methods to be used;
- (2) a map at an appropriate scale showing the location of the activity;
- (3) a description of the discharge structure;
- (4) a description of the nature of the discharge including, where appropriate, the following:
  - temperature;
  - BOD5;
  - suspended solids concentration;
  - pH;
  - the chemical content of the discharge, including in particular any heavy metals or other toxic substances;
  - dissolved solids;
  - faecal coliform, or enterococci concentrations; and
  - any deleterious micro-organisms
- (5) a statement of any possible changes to the nature of the discharge that might result from failure of equipment or a similar event, and the contingency plans that have been developed to deal with such situations;
- (6) a description of maintenance requirements for equipment and structures used in the discharge;
- (7) a description of the dispersal characteristics, including the effect of currents, tides, waves, and winds on horizontal transport and the vertical mixing of the contaminant;
- (8) a statement of any possible alternative methods of discharge, including discharge into any other receiving environment, and the reasons why the applicant has chosen their discharge option;
- (9) a statement detailing any consultation with any person or organisation that might be affected by the proposal;
- (10) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval; 140 Discharges to Land and Water
- (11) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
  - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
  - prepared in accordance with the Fourth Schedule of the Act; and
  - any other information that is necessary to understand the application.

#### **Additional information**

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

### **13.3 Surface Water and Foreshore Activities**

#### **Rules**

#### **Rule 84 Exclusive occupation of the coastal marine area**

Any activity involving occupation of the coastal marine area which:

- (1) would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or
- (2) would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- (3) would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public

access to or through such areas;  
is a **Discretionary and Restricted Coastal Activity**.

### **Application for a resource consent**

An application for a resource consent shall be made in accordance with section 13.4.

#### **13.4 Application for a resource consent**

Unless otherwise stated in a rule, an application for a resource consent for a surface water or foreshore activity shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity;
- (2) a map showing the location of the activity;
- (3) a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice;
- (4) where appropriate, a description of adjacent uses outside of the coastal marine area;
- (5) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
- (6) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
  - in such detail as corresponds with the scale and significance of the
  - actual or potential effects that the activity may have on the
  - environment; and
  - prepared in accordance with the Fourth Schedule of the Act; and
  - any other information that is necessary to understand the application.

#### **Additional information**

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

# Marlborough Sounds Resource Management Plan

Operative 28 February 2003

## 2.2 Objectives and Policies

**Objective 1** The preservation of the natural character of the coastal environment, wetlands, lakes and rivers and their margins and the protection of them from inappropriate subdivision, use and development.

**Policy 1.1** Avoid the adverse effects of subdivision, use or development within those areas of the coastal environment and fresh-water bodies which are predominantly in their natural state and have natural character which has not been compromised.

**Policy 1.2** Appropriate use and development will be encouraged in areas where the natural character of the coastal environment has already been compromised, and where the adverse effects of such activities can be avoided, remedied or mitigated.

## 9.2 Issue

### **Restriction of public access to the coastal marine area due to the private occupation of coastal space.**

Occupation of coastal space involves the Council allocating or authorising the use of public resources for private benefit.

In some cases the use of resources sought is temporary or non-exclusive, generally associated with surface water activities such as shipping, recreational boating, swimming or with seabed disturbance activities such as dredging or dumping.

In other cases the use of resources requires a degree of use which results in the exclusion of other persons or activities, for example: ports, marinas, marine farms and structures (jetties, swing moorings, boatsheds, and sub-aqueous cables). Such uses generally rely on a coastal location and to varying degrees, contribute to the wellbeing of individuals and the community in general. Further, the Act and the New Zealand Coastal Policy Statement both recognise that 'use' can be made of the coastal marine area resources and that this does involve occupation of coastal space for private benefit.

For these reasons, it is necessary and appropriate that activities or 'uses' which require a coastal location and which consequently involve the occupation of coastal space, are provided for in the Plan. In providing for these uses which require access to areas of, or the resources of, the coastal marine area, adverse cumulative and other effects must be addressed. Namely the wider context of enabling the community to provide for its social, economic and cultural wellbeing, and preserving the natural character of the coastal environment.

The marine farm industry that has developed in the Marlborough Sounds is of significant value to the nation in terms of export earnings, and also to the region in terms of the employment and income flows that are derived from the industry. A substantial infrastructure involving processing facilities, ports, harvesting vessels and a multitude of other services has developed based on the marine farm industry and Sounds communities have been revitalised as a result of the development of the industry. All of that infrastructure is reliant upon marine farming which utilises the coastal marine area and the provisions of the Plan recognise that to maintain the strength of the industry, generally it is essential for resource consents to be able to be renewed to continue those marine farming activities.

The Plan recognises that in appropriate areas of the Sounds provision needs to be made respectively for conservation, residential/recreation interest and the interest of important industries utilising Sounds resources such as marine farming, tourism, forestry and land-based farming.

In addition, ongoing research is constantly occurring as to other means of aquaculture production involving species other than the present predominant species of mussels and it is possible that some other species may involve lesser effects on the environment through having less visible surface structures. The current



In addition to the two coastal marine zones the Plan identifies particular zones for the following activities:

- Port and harbour activity; and
- Marina activity.
- Such areas are managed for these activities.

**Area Identification** The Plan identifies areas for use by certain types of water transportation activity and consequently limits them in other areas of the Sounds. Refer to Chapter 19: Water Transportation.

**Rules** Rules and resource consents generally provide for activities which require coastal space where the adverse effects of occupation are avoided, remedied or mitigated in terms of the assessment criteria and standards identified.

Within Coastal Marine Zone 2 out to 50 metres from mean low water mark, and beyond 200 metres from mean low water mark, marine farms are non-complying activities. In those areas marine farming involving fin fish farming may be appropriate and it is recognised that consent may be granted by a resource consent application.

Rules enable the use of the coastal marine area for defence purposes.

**Other Legislation** The Council will use its powers and functions under harbour legislation to control navigational conflicts between surface water activities.

**Liaison** The Council will send notice of permissions for structures to the Hydrographic Office of the Royal NZ Navy, and the Maritime Safety Authority.

**Monitoring** The Council will monitor the effects of permitted and consented activities in the coastal marine area to: determine the effectiveness of plan policies and rules; assess compliance with consent conditions; and promote sustainable management.

*Rules and zoning will provide certainty with respect to what can and cannot be done in the coastal marine area. In addition, they provide the environmental certainty and control which is needed in this sensitive area.*

*Policy 3.2.1 of the New Zealand Coastal Policy Statement requires plans to define the type of use and development that would be appropriate in the coastal environment. The policies and methods (ie, rules) provide guidance to resource users on this.*

### 9.3 Issue

#### **Adverse effects of activities on the natural and physical resources of the coastal marine area.**

Given the geography of the Marlborough Sounds, the coastal marine area performs a significant role as a receiving environment. The Marlborough Sounds are large, drowned river valleys. Queen Charlotte Sound is the simpler of the two, approximately 45 km long and indented by many small bays and coves. Pelorus Sound is a complex maze of large inlets, bays, coves and islands. The drowned river valleys are only part of the catchments which extend inland as far as the Marlborough Sounds planning area. To a significant extent it is the activities taking place on the land which determine the environmental quality of the coastal marine area. The coastal marine area is effectively the end point for all activities and their effects.

Rigid controls are necessary in the coastal marine area as this is the 'environmental sink' where the effects of all coastal and land-based activities impact. Coastal marine ecosystems depend on uncontaminated seawater, undisturbed seabed or foreshore and healthy land and freshwater ecosystems adjacent to the coast.

Environmental effects in the coastal marine area are felt in essentially two ways:

- Degradation of coastal water quality; and
- Alteration to the foreshore or seabed.

Environmental effects are brought about by a number of activities taking place in the coastal marine area and others occurring on land.

Examples of activities which affect (and often depend upon) the quality of the coastal marine area include, but are not limited to marine farming, commercial fishing, recreation and tourism, port and marina activity, waste disposal, farming and forestry, reclamation and placement of moorings.

Controls on the effects of activities and use of the coastal marine area are necessary to ensure that the sustainable management of the coastal resource is promoted.

## Policy 1.4

Recognise and provide for the need to:

- a) Preserve the natural character of the coastal environment;
- b) Protect public health;
- c) Protect the visual aesthetics of the area;
- d) Protect the olfactory aesthetics of the area;
- e) Protect sites of spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori, including waahi tapu, tauranga waka, maataitai and taonga raranga;
- f) Avoid, remedy or mitigate adverse effects on ecological systems including natural movement and productivity of biota, natural biodiversity and adverse effects on:
  - shellfish areas;
  - fish spawning and nursery areas;
  - bird-breeding and nursery areas;
  - fish and bird migration through estuaries;
  - feeding patterns;
  - habitats important to the continued survival of any indigenous species;
  - wildlife and marine biota; and
  - the intrinsic value of ecosystems.
- g) Avoid, remedy or mitigate adverse effects on existing lawful activities, particularly marine farming, fishing, recreation and tourism activities when assessing a permit to discharge water or contaminants into the coastal marine area.

## 9.4 Alteration to the Foreshore and Seabed

Section 12 of the Act places restrictions on use of the foreshore and seabed within the coastal marine area. Essentially, no person may reclaim or drain, disturb (excavate, drill or tunnel), deposit substances or remove any natural material (sand, shingle, shell) in respect of the foreshore and seabed, unless it is provided for by either a rule in the Plan, or by a resource consent. These types of actions which are restricted by section 12 of the Act, are all taken to be alterations to the foreshore or seabed.

Various activities involving alterations to the foreshore and seabed are undertaken within the Plan area. A number provide considerable benefits to the community. An example is the clearance, cutting and realignment of river mouths to lessen potential effects of flooding events. The ability for people or authorities to undertake this activity provides considerable benefits and it is likely that the need for this activity will continue in the future. Therefore, the Plan needs to provide for alterations to the foreshore and seabed where there are no or only very minor adverse effects resulting.

The main issue in relation to alteration is the need to provide for alterations to the foreshore and seabed while avoiding, remedying or mitigating the adverse effects of this activity. The objective and policies which follow address this issue, while the following examples of foreshore and seabed alterations seeks to further explain and define the issue. These examples are not exhaustive and the provisions of this section apply to any alteration to the foreshore or seabed within the coastal marine area. Alterations, that change the physical shape of the foreshore and/or seabed include:

### Reclamation, Drainage and Impoundment

Outside the main port areas at Picton and Havelock, large scale reclamations are not a feature of the Sounds. Aside from the reclamations associated with the commercial facilities at Elaine Bay and Oyster Bay (Port Underwood), reclamations in the Sounds are generally limited to small abutments for jetties.

These are commonly two or three square metres in area. The impoundment which bounds Waikawa marina is effectively a reclamation of the foreshore and seabed.

Probably the most significant adverse effect of a reclamation is the burial of the seabed. This threatens habitats associated with the seabed and potentially the life-supporting capacity of a much larger surrounding area. Other potential effects associated with reclamation include interruption to the water movement patterns, exclusion of water-based uses, visual impacts and construction effects.

## Dredging

Dredging of the foreshore and seabed is generally undertaken to allow ship or boat navigation in areas which would otherwise be too shallow. It is most often required around ports and marinas, particularly within and approaching the Havelock port area. Dredging is also carried out for the purpose of clearing, cutting or realigning river mouths. Generally though, very little dredging and spoil disposal occurs in the Marlborough Sounds. Periodically, a limited amount of material needs to be removed from alongside jetties. This normally occurs at the head of a bay where siltation has occurred over a number of years and has eventually made a jetty unusable at low tides. There are various means of disposing of dredging spoil, but generally within the Sounds, land disposal has been used and preferred in the past.

Both dredging and dredging spoil disposal can have significant adverse environmental effects. The main effect of dredging is the physical destruction and/or removal of any benthic aquatic life within the dredged area (organisms that live in or on the bottom sediments). Dredging can also affect water movement patterns and alter the physical nature of sediments, thus potentially affecting habitats.

## Extraction of Sand, Shingle, Shell and Other Natural Material

Very little extraction of material from the coastal marine area is undertaken within the Marlborough Sounds. A small amount of sand is removed from Shelly Beach and used for beach enhancement and protection works on the nearby Waikawa and Picton foreshores.

The effects of extraction will relate to the physical disturbance associated with removing material and the type of operation or technique used for extraction.

## Disturbance Associated with Coastal Structures and Marine Farms

Disturbance of the foreshore and/or seabed will arise as a result of coastal structures being fixed to the beach or sea floor. There are a considerable number of structures in the Sounds ranging from jetties, moorings, log-loading facilities, retaining walls, submarine cables and the structures associated with marine farms.

The environmental effects of fixing these (and numerous other) structures to the foreshore and/or seabed are in general, the modification or in some cases the destruction of benthic aquatic life and changes to natural water and sediment movement. In addition, marine farms (particularly sea cage fish farming) can lead to sedimentation as faeces, uneaten feed pellets, and other organic matter cleaned from the cages falls to the sea floor. This, in turn, can alter the habitat of the benthic community. Longline shellfish farming can cause a similar but lesser effect from organic matter dropping to the sea floor.

## Other Disturbance

Numerous other activities which take place in the coastal marine area have the potential to destroy, damage or disturb the foreshore and seabed. These activities include, but are not limited to water transportation activities (eg; ships, conventional and fast ferries, launches and concentrations of smaller boats); the cleaning of blocked pipes (eg; stormwater outfalls); beach tidying and grooming; the removal of vegetation (eg; around structures); and the burial on the foreshore of dead marine mammals and other marine fauna.

Alterations to the foreshore or seabed can have adverse effects. Activities which result in alteration of the foreshore or seabed can disturb or destroy Maori cultural values of mahinga maataitai or taonga raranga and spiritual values of waahi tapu and their sites of significance. Natural character can also be degraded, along with landscape values and habitat or ecological values.

Modification, interruption or interference with physical coastal processes can also occur, potentially leading to increased erosion and scouring. A temporary decrease in water clarity and quality in the vicinity of the works is common

**Policy 1.7** Recognising (by way of controlled activity status) the importance of renewing the majority of existing marine farms authorised by applications made before 1 August 1996 while mitigating adverse effects on the environment by way of conditions.

**Policy 1.8** Providing for minor adjustments to boundaries of resource consent areas for existing farms without increasing their size so as where necessary to reduce adverse effects or to recognise existing locations of farms.

**Policy 1.9** Enable the adverse visual or ecological effects of particular farms to be addressed when the rules expressly provide for that.

## Chapter 25 Definitions

**MARINE FARM** means any form of aquaculture characterised by the use of surface and/or sub-surface structures located in the coastal marine area.

**MARINE FARMING** Marine farming means the activity of breeding, hatching, cultivating, rearing, or on-growing of fish, aquatic life, or seaweed for harvest (and includes spat catching and spat holding) when carried out on a marine farm; but does not include:

- a) Any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit; or
- b) Any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate, from naturally occurring fish, aquatic life, or seaweed.

### 35.1 Permitted Activities

The following activities shall be permitted without a resource consent where together with any relevant definition they conform to the conditions for Permitted Activities as well as the general rules:

- Beach grooming and beach re-contouring;
- Burial of dead marine mammals;
- Clearance of stormwater outfalls;
- Discharges from ships;
- Erection and placement of public information signs;
- Erection or placement of temporary structures;
- Harvesting of marine farming produce from marine farms previously authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996, including the taking and discharging of coastal water and discharge of biodegradable and organic waste matter;
- Any statutorily established scallop enhancement programme involving distribution of scallop spat to the seabed.
- Maintenance, repair, minor extensions, additions and alteration to structures;
- Minor disturbance of foreshore and seabed;

This is subject to a reference to the Environment Court (RMA209/98 (22.8 (a)(b))). The relief sought seeks the replacement of the words “minor disturbance” with “alteration” and that the words “including by the normal operation of vessels” be added.

- Oil spill clean up in accordance with a national or regional oil spill contingency plan;
- Parks, reserves, marine reserves, taiapure, mahinga maataitai and maataitai reserves;
- Pest management carried out in accordance with a national or regional pest strategy;
- Placement, operation and maintenance of equipment used for monitoring purposes;
- Recreational activity;
- Removal or demolition of structures;
- River and stream mouth cutting;
- Stormwater discharge;
- Taking and discharge of coastal water;
- Taking and use of coastal water by ships;
- Use of surfacewater by non-exclusive users; and

This is subject to a reference to the Environment Court (RMA209/98 (22.8(b))). The relief sought seeks the words “including by vessels” be added.

- Vegetation clearance.

This permitted activities list is subject to a reference to the Environment Court (RMA203/98 (CMZ(2.2))). The relief sought seeks the inclusion of the “use of surface water by shipping, ferries or other vessels”.

### **35.2.5 Marine Farms Within Specifically Identified Areas and Beyond 50 metres From MLWM and Listed in Appendix D**

Marine farms authorised by a current Coastal Permit (pursuant to the Resource Management Act 1991) or current Marine Farm Lease or Licence (pursuant to the Marine Farming Act 1971) applied for prior to 1 August 1996; or authorised by a new Coastal Permit, the application for which constituted a renewal of a Coastal Permit, Marine Farm Lease or Licence specified above which was current at the date of the application being made for the new consent, are Controlled Activities provided that the activity conforms to the following standards, and provided further this rule shall not apply to the marine farms shown on Appendix D2.

NB: ‘Current’ means a Coastal Permit, Marine Farm Licence or Marine Farm Lease in force and operative in accordance with its terms as at the date of application.

### **35.3.1 Structures and Lighting Systems for Marine Farms Previously Authorised**

Application for consent for discretionary activities arising from non-compliance with the following Standards in Rule 35.2.5.1 for marine farms specified as Controlled Activities in Rule 35.2.5 will be considered by way of an application for a Discretionary Activity:

a) Standard 1 - Where the number and length of long-lines and the anchoring systems established on the marine farm, are not those authorised by a Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, provided that any alteration to the length of long lines does not result in subsurface long lines extending to within 3 metres of the surface of the sea at any time.

b) Standard 4 - Where the lighting system utilised on the marine farm is not in accordance with the conditions of a Coastal Permit, Marine Farm Licence or Marine Farm Lease applied for prior to 1 August 1996, or in the absence of any such conditions the beaconage and buoyage standard required by ‘The system of Buoyage and Beaconage for New Zealand, Ministry of Transport: Nov 1991’, and Maritime Safety Authority of New Zealand ‘Marine Farm Lighting Marking and Structures Criteria 2’ and standards or substitutions in place thereof.

### **35.4 Discretionary Activities and Where Applicable Restricted Coastal Activities**

Application must be made for a Discretionary Activity and where indicated a Restricted Coastal Activity for the following:

- Any activity listed as a Permitted Activity and either adversely affecting or being affected by any hazard area identified on the Planning Maps as a hazardous area or listed in the Hazards Register;
- Activities listed as Permitted or Controlled Activities, which do not comply with the Standards specified for those activities, other than marine farms specified as Limited Discretionary Activities in Rule 35.3.1.
- Commercial activities;
- Discharge of human sewage;
- Discharges to air;
- Discharges to water;
- Occupation of the coastal marine area;

- Structures in the coastal marine area used in the petroleum and chemical industry;
- Disturbance of foreshore and/or seabed, including removal of sand, shingle, shell or other material;
- Marine farms in Coastal Marine Zone Two complying with the standards specified in Rule 35.4.2.9 other than marine farms specified as Controlled Activities in Rule 35.2.5, or Limited Discretionary Activities in Rule 35.3.1;
- Marine Farms in Coastal Marine Zone 1 which are listed in Appendix D2;
- Placement of swing moorings;
- Reclamation;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures which impound or effectively contain the coastal marine area; and

### 35.4.2.7 Occupation of the Coastal Marine Area

Any activity involving occupation of the coastal marine area which:

- Would exclude or effectively exclude public access from areas of the coastal marine zone over 10 hectares (except where such exclusion is required for reasons of public safety or security);
- Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore, or
- Would involve occupation or use of areas greater than 50 hectares of the coastal marine zone and such occupation or use would restrict public access to or through such areas.

is a Discretionary and Restricted Coastal Activity.

#### 35.4.2.7.1

Any activity involving exclusive occupation of the coastal marine area not covered by Rule 35.4.2.7 above shall be a Discretionary Activity. **35.4.2.7.2 Assessment Criteria**

- The effect on other users of the coastal environment;
- The effect on cultural and landscape values; and
- Any effects on the ecology, fauna and flora of the surrounding environment.

### 35.4.2.9 Marine Farms in Coastal Marine Zone Two

#### Standards

- a) No part of any farm shall be located closer than 50 metres to mean low water mark.
- b) No part of any farm shall be located further than 200 metres from mean low water mark.

The distance from mean low water mark shall be measured on a line drawn at right angles to a line drawn normal to mean high water mark. See Figure 35.1.

## 35.5 Non-Complying Activities and Where Applicable Restricted Coastal Activities

- Any activity other than a Prohibited Activity which is neither a Permitted, Controlled, or Discretionary and Restricted Coastal Activity shall be deemed to be a Non-Complying Activity;
- Deliberate introduction of exotic or introduced plants into the coastal marine area;
- Depositing material on the foreshore or seabed;
- Discharges to the coastal marine area;
- Marine farms within Coastal Marine Zone Two other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3.1 or Discretionary Activities pursuant to Rule 35.4:
  - a) inside a line drawn 50 metres from mean low water mark at right angles to a line normal to the nearest part of mean high water mark; or
  - b) beyond a line drawn 200 metres from mean low water, at right angles to a line normal to the nearest part of mean high water mark (refer Figure 35.1: Measurement of Marine Farm from Shore).
- Residential Activity;
- Structures in the coastal marine area more or less parallel to mean high water springs;
- Structures in the coastal marine area oblique or perpendicular to mean high water springs;
- Structures in the coastal marine area used in the petroleum and chemical industry;
- Structures which impound or effectively contain the coastal marine area; and
- Subdivision.

### 35.6 Prohibited Activities - being activities for which no resource consent shall be granted

- Dumping of hazardous waste substances onto land and from onshore into the coastal marine area;
- The dumping of waste and litter from onshore (including shell, offal or any other matter) into the coastal marine area;
- Marine farms in Coastal Marine Zone One other than marine farms specified as Controlled Activities in Rule 35.2.5 or Limited Discretionary Activities in Rule 35.3, or Discretionary Activities not complying with the standards specified for marine farms as Controlled Activities.
- Rafting of logs as a means of transportation.
- The combustion of:
  - materials associated with the recovery of metals from insulated electrical cables; or
  - materials and metals used in motor vehicles; or
  - any other PVC plastic, or rubber tyres, treated timber, or agricultural chemical wastes.

### Schedule of Specifically Identified Marine Farms: Controlled Activity Status

#### in Terms of Rule 2.5 Coastal Marine Zones 1 and 2

Dosli ID	MAF REF	MDC REF	PLAN	LOCATION
200	LI 7		SO 5472	Fairy Bay
100	LI 8		SO 5451	Fairy Bay
99	LI 9		SO 5450	Fairy Bay
		U950764		Kauauroa Bay

		U950765		Kauauroa Bay
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## Proposed Wairau/Awatere Resource Management Plan

### 9.3 Objectives and Policies

Policy 1.3 Avoid contamination of shorelines and marine farms by preventing the discharge of untreated sewage from vessels within 500 metres of the shoreline (MLWS) or 500 metres of a marine farm.

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Policy 1.4 Prevent the discharge of non-biodegradable waste anywhere in the coastal marine area (including waste from port activities, vessels, and marine farms).

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### 9.9 Objectives and Policies

Policy 1.1 Adverse effects on public access caused by the erection of structures, marine farms, works or activities, in or along the coastal marine area should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

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### 9.11 Issue

The potential effects of marine farms on the natural character of the East Marlborough Coast.

The East Coast has potential for marine farming of paua, scallop, crayfish, mussel, oyster, surfclams, seaweed and kelp. That potential can be expected to be made use of as demand for space in the Marlborough Sounds increases. The prevailing weather and exposed sea conditions make the area difficult for conventional marine farming at the moment but the marine farming industry is currently investigating new technologies and structures which will withstand those conditions. It is hard to predict with any certainty which type of farming will be promoted in the area in the future and the type of structures they will require. However many marine farming operations will introduce issues associated with exclusive occupation rights and the building of structures on the seabed. Though regarded as a 'clean' activity marine farming can have adverse environmental impacts if not managed or developed properly. Where marine farming has occurred around the country the following concerns have typically been raised:

- Exclusive occupation rights which restrict public access
- The visual impact of structures above the water level
- The abandonment of farms (and the visual effects of structures that are left)
- Siltation of the sea floor and accumulation of toxins around marine farms
- The impact of farms on traditional recreational and fishing areas
- The impact of marine farms on local ecology
- Cumulative effects

### 9.12 Objectives and Policies

Objective 1 To protect the natural character of the East Marlborough Coast from the adverse effects of marine farming.

Policy 1.1	Exclude marine farming activities from areas of high ecological or conservation values.
Policy 1.3	Avoid the allocation of coastal space for marine farming where there is a significant adverse effect on: <ul style="list-style-type: none"> <li>• iwi values,</li> <li>• outstanding landscapes,</li> <li>• areas of ecological value,</li> <li>• navigation and safety,</li> <li>• recreation users,</li> <li>• marine habitat sustainability, and/or</li> <li>• other adjoining activities including those on land</li> </ul>

## 10.2 Objectives and Policies

Policy 1.1	Discourage subdivision, use or development within those areas of the coastal environment and freshwater bodies which are predominantly in their natural state and have natural character which has not been compromised.
Policy 1.2	Appropriate use and development in the coastal environment will be encouraged in areas where: <ul style="list-style-type: none"> <li>• the natural character has already been compromised; and</li> <li>• where such use and development does not contribute to sprawling or sporadic development</li> </ul>

### Definitions

**Marine Farm** means any form of aquaculture characterised by the use of surface and/or sub-surface structures located in the coastal marine area. For the purposes of this Plan marine farming includes spat catching, spat holding and enhancement of aquatic species.

### Coastal Marine Zone

#### 1. Permitted Activities

**Rule 1.1** Unless expressly limited elsewhere and subject to compliance with the conditions applying to permitted activities listed below shall be permitted without a resource consent.

- Alteration, maintenance, reconstruction or replacement of an existing lawful structure.
- Operation of vessels and other related activities.
- Removal or demolition of a structure.
- Erection, placement or operation of a navigation aid for marine transport.
- Minor disturbance of the foreshore and seabed.
- Erection, placement or operation of equipment used for monitoring purposes...

## General Conditions for Permitted Activities:

### 1.2.7 Disturbance of Foreshore and Seabed

1.2.7.1.1 Any foreshore and seabed disturbance associated with one or more of the Permitted Activities listed in Rule 1.1 shall also be a Permitted provided that:

- Precautions shall be taken to avoid the release of contaminants from equipment being used for the operation.
- All equipment and surplus materials shall be removed from the site on completion of the operation.
- Where direct disturbance occurs, the foreshore and/or seabed shall be reinstated in a manner which is, in keeping with the pre-existing contour of the foreshore and seabed and the natural character and visual amenity of the area, within six months of the completion of the study.

**Rule 3.1** Application must be made for a resource consent for a Discretionary Activity and where indicated a Restricted Coastal Activity, for the following:

- Activities listed as Permitted or Controlled Activities which do not comply with standards and/or conditions. Except that this provision shall not apply to activities listed as Non-Complying or Prohibited Activities.
- Reclamations.
- Structures which impound or effectively contain the coastal marine area.
- Structures in the coastal marine area more or less parallel to mean high water springs.
- Structures in the coastal marine area oblique or perpendicular to mean high water springs.
- Structures not elsewhere provided for.
- Disturbance of foreshore and seabed including any removal of sand, shell or shingle.
- Discharges to water.
- Depositing material on the foreshore and/or seabed.
- Deliberate introduction of exotic or introduced plants into the coastal marine area.
- Occupation of the coastal marine area.
- Structures in the coastal marine area used in the petroleum and chemical industry.
- Marine farms.
- Emergency service activities.

### **Rule: 3.3.9 Occupation of the Coastal Marine Area**

3.3.9.1 Any activity involving occupation of the coastal marine area which:

- Would exclude or effectively exclude public access from areas of the coastal marine zone over 10 hectares (except where such exclusion is required for reasons of public safety or security);
- Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore, or
- Would involve occupation or use of areas greater than 50 hectares of the coastal marine zone and such occupation or use would restrict public access to or through such areas

Is a Discretionary and Restricted Coastal Activity.

**3.3.9.2** Any activity involving exclusive occupation of the coastal marine area not covered by Rule 3.3.9.1 above shall be a Discretionary Activity.

**3.3.12 Marine Farms**

**3.3.12.1 Assessment Criteria**

An assessment of the present nature of the site, both physical and biological including - nature of the sea floor, species found in the area.

**3.3.12.2** The impact on the marine ecology of feed proposed to be added to the environment, including the type and amount of feed, and an assessment of its effect on the environment.

**3.3.12.3** The impact on the environment of the species to be farmed.

**3.3.12.4** Consideration of navigational matters including adequate clearance from:

- the shoreline;
- adjacent marine farms;
- jetties and other points of access to the shore;
- headlands;
- navigational routes;
- anchorages and mooring areas;
- water ski lanes;
- sub aqueous cables;
- the safety of the structures proposed.

**3.3.12.5** An accessway free of surface structures, navigable by small craft, may be required through farms occupying an extensive stretch of coastline (generally those exceeding 400m in length).

**3.3.12.6** Consideration of aesthetic and cultural matters including:

- Proximity to residences, land zoned for residential use, and land subdivided for residential use;
- Proximity to, and likely effect on areas of scenic value; ecological value; recreational value; historic or traditional importance.

**3.3.12.7** Particular site requirements of different forms of marine farming.

**3.3.12.8** Likely effect on areas used for commercial and recreational fishing.

**3.3.12.9** The visual impact of the farm and its operation.

**3.3.12.10** The effect of the activity on areas of natural character

**3.3.12.11** Likely effects on water quality and ecology.

**3.3.12.12** The alienation of public space.

**3.3.12.13** The extent to which the marine farm requires ancillary on-shore facilities, and the extent to which these are included in a concurrent consent process.

# Nelson Resource Management Plan

**1 September 2004**

## **Aquaculture**

**CMd6.i** Aquaculture means any:

- a) Physical modification or disturbance of the foreshore or seabed, or
- b) placement of any structure in, on, or over foreshore or seabed, or in the water column, or
- c) occupation of foreshore, seabed, water column, or water surface, or
- d) introduction or planting of any exotic plant for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes marine farming or the taking or holding of spat, or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

**CMd6.xi** The forthcoming Aquaculture Reform Bill, which is expected to follow on from the above Act, is intended to provide for the Resource Management Act to be the main legislation controlling aquaculture with an amendment of the interface between the RMA and fisheries legislation. This will mean that all environmental effects and fisheries matters are considered when decisions are made concerning aquaculture. The final form of this legislation will clarify the appropriate course for the Nelson City Council to follow in resolving its approach to the possible establishment of AMAs. It is already apparent that extensive consultation with a wide range of user groups and interested parties will be required. There will need to be an evaluation of a range of relevant issues such as tangata whenua values, water quality, location of anchorages, navigation routes, marine reserves, taiapure, recreational use, customary, recreational and commercial fishing, ecological and amenity values. In the event that suitable sites for AMAs are identified without significant conflict with other recognised values, then aquaculture development will be required to locate within the clearly defined AMAs and the establishment of aquaculture ventures outside these AMAs will become prohibited activities. These provisions will be incorporated into the Nelson Resource Management Plan by way of a Plan Change, and this will allow full opportunity for public input into the process.

**CMd6.xvi** The Council considers that, given the high potential of aquaculture to conflict with other activities and values and the uncertainty surrounding the likely effects of different types of aquaculture in different locations, it is appropriate for aquaculture to be treated as a discretionary activity throughout the Coastal Marine Area. This will enable each proposal to be considered on its merits and subject to full public scrutiny.

**CMd6.xi** The forthcoming Aquaculture Reform Bill, which is expected to follow on from the above Act, is intended to provide for the Resource Management Act to be the main legislation controlling aquaculture with an amendment of the interface between the RMA and fisheries legislation. This will mean that all environmental effects and fisheries matters are considered when decisions are made concerning aquaculture. The final form of this legislation will clarify the appropriate course for the Nelson City Council to follow in resolving its approach to the possible establishment of AMAs. It is already apparent that extensive consultation with a wide range of user groups and interested parties will be required. There will need to be an evaluation of a range of relevant issues such as tangata whenua values, water quality, location of anchorages, navigation routes, marine reserves, taiapure, recreational use, customary, recreational and commercial fishing, ecological and amenity values. In the event that suitable sites for AMAs are identified without significant conflict with other recognised values, then aquaculture development will be required to locate within the clearly defined AMAs and the establishment of aquaculture ventures outside these AMAs will become prohibited activities. These provisions will be incorporated into the Nelson Resource Management Plan by way of a Plan Change, and this will allow full opportunity for public input into the process.

## **CM4.3 redundant structures**

***Structures should be removed from the Coastal Marine Area or demolished at the expiry of their authorisation or at the end of their useful lives, provided that none of the following apply:***

- a) removal of the structure would cause greater adverse effects on the environment than leaving the structure in place, including effects on the life-supporting capacity of the Area***
- b) the structure will have no more than minor adverse effects on the environment or on public access or use of the Area if left in place***
- c) the structure has significant heritage value***

**d) a new authorisation has been granted, or applied for but not yet determined**

**Explanation and Reasons**

**CM4.3.i** The policy gives effect to policy 4.1.3 of the New Zealand Coastal Policy Statement. Disused or derelict structures can be visually obtrusive and may not permit efficient use of public space. It is the responsibility of the owners of obsolete structures to remove them if practical and desirable.

**CM5.1 precautionary approach**

***Adopt a precautionary approach towards proposed activities, particularly those where the effects of coastal processes on activities, or the effects of the activities themselves, are as yet unknown or little understood.***

**Explanation and Reasons**

**CM5.1.i** The policy relates to Policy 3.3.1 of the New Zealand Coastal Policy Statement which notes “because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.” Coastal processes include physical, biological, and chemical processes, and the interactions between them.

**CM5.4 structures**

***Structures within the Coastal Marine Area should not impede natural coastal processes. If effects on natural coastal processes cannot be avoided, structures should be designed and constructed in a way that mitigates or remedies such effects.***

**Explanation and Reasons**

**CM5.4.i** Structures can cause changes to natural coastal processes and can result in adverse effects remote from the site. Structures that impede coastal water flows, or impound coastal water or exclude coastal water from places that it would naturally flow to and from may have adverse effects both on rates of erosion and sedimentation, and on the intrinsic values of ecosystems.

**Methods**

**CM5.4.ii** Rules regulating structures.

**CM5.4.iii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.

**CM5.4.iv** Remove redundant structures that adversely affect coastal processes.

**CM5.4.v** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

**CM7.2 occupation**

***Exclusive occupation of space in the Coastal Marine Area should not be granted, and constraints on public access should not be imposed, unless***

***a) there is no practical alternative, and***

***b) the effects on public access would not be significant.***

**Explanation and Reasons**

**CM7.2.i** The policy establishes criteria which need to be satisfied before an occupation permit will be granted. The criteria are considered to be justified in light of the national priority referred to above. See also New Zealand Coastal Policy Statement policy 4.1.6.

**Method**

**CM7.2.ii** Rules regulating exclusive occupation as a discretionary or non-complying activity, assessment of alternatives, necessity, and effects on public access.

**Policy CM7.3 public access**

***Adverse effects of structures on public access to and along the coastal marine area shall be avoided as far as practicable in the first instance. Where avoidance is not practical, adverse effects shall be mitigated and provision made for remedying these effects to the extent practicable.***

## Explanation and Reasons

**CM7.3.i** Some structures eg. slipways, can improve public access to the coast. However, other types of structure eg. inappropriately designed coastal protection works, reclamations, may create obstacles to public access.

### Method

**CM7.3.ii** Rules regulating all significant structures in relation to effects on public access.

**CMr.20** Exclusive occupation [note – this rule is a regional rule]

**CMr.20.1** Exclusive occupation of the Coastal Marine Area is a permitted activity if: the occupation is solely by a structure, permitted under a rule in this Chapter or a resource consent.

**CMr.20.2** not applicable

**CMr.20.3** Exclusive occupation of the Coastal Marine Area that contravenes a permitted condition is discretionary, provided that the area occupied is not within the Marine ASCV Overlay, and it does not exceed 0.5ha.

Exclusive occupation of the Coastal Marine Area is a non-complying activity if the area occupied is in the ASCV overlay,

or between 0.5ha and 10ha. Exclusive occupation of the Coastal Marine Area is a restricted coastal activity and a non-complying activity if it would:

i) exclude or effectively exclude public access from areas over 10ha (except where such exclusion is required in commercial port areas for reasons of public safety or security), or

ii) exclude or effectively exclude the public from more than 316m along the length of the foreshore, or

iii) involve occupation or use of areas greater than 50ha and such occupation or use would restrict public access to or through such areas.

**CMr.21 Structures – general** [note – this rule is a regional rule]

### CMr.21.1

Erection or placement of structures in the Coastal Marine Area is permitted if: the structure is one of the following, permitted under a rule in this Chapter:

- i) outfall structures
- ii) mooring anchor blocks.
- iii) temporary structures, other than whitebait stands, or
  - a) the structure is permitted under another rule in this Chapter, or
  - b) the structure is a temporary structure, removed within six weeks of construction.

### CMr.21.2

- a) Erection or placement of any berthing structure or launching structure with a handling capacity of 130 tonnes or less gross weight is controlled if:
  - i) the structure is located inside the seaward boundary of the coastal permit granted to Port Nelson Limited dated 27 July 1994, or falls within the additional area identified on Planning Map 6; and
  - ii) is erected within that part of the area described in i) above which lies to the north of the line A-B showing on Planning Maps 6 and 10; and
  - iii) the structure does not extend into the Coastal Marine Area beyond the line of any adjoining structure, or beyond a line 25m from, and parallel to, MHS; and
  - iv) the structure is not a restricted coastal activity as provided for in Rules CMr.21.3, 27.3, 28.3 or 29.3; and
  - v) the activity is not contrary to any other provisions of the Plan; OR

b) Placement of a mooring is controlled if the mooring is within an area of existing moorings that has available additional mooring space and the mooring when complete does not prevent reasonable navigation between any existing launching, mooring or berthing facility and the Port entrance.

In respect of a) above control is reserved over:

- i) design of structure (including height and construction materials);
- ii) the siting and nature of any mooring;
- iii) provision of waste disposal facilities;
- iv) contingency planning to prevent spills of contaminants;
- v) noise and light emissions;
- vi) public access;
- vii) timing of works;
- viii) the duration of the consent;
- ix) information and monitoring requirements;
- x) coastal occupation charges;

xi) navigational safety.

In respect of b) above control is reserved over:

- i) The siting and nature of any mooring;
- ii) The duration of the consent;
- iii) Coastal occupation charges;
- iv) Navigational safety.

### **CMr.21.3**

Erection or placement of structures that:

- a) are not dealt with specifically in other rules, or
- b) a floating or open pile structure(s) which will not impede water flow, or
- c) contravene a permitted condition or controlled standard in this rule are discretionary. Erection or placement of structures within the estuaries is a non-complying activity. (N.B. Refer Rule CMr.2 – Prohibited Activities)

### **CMr.26 Temporary Structures**[note – this rule is a regional rule]

#### **CMr.26.1**

Erection or placement of any temporary structure is permitted if:

- a) less than 10m<sup>3</sup> of sand, shingle, shell or other natural foreshore or seabed material is disturbed, and
- b) it is to be used for an activity permitted by this Plan, or by a coastal permit, and
- c) it is not a whitebait stand, and
- d) it will be in place for less than 31 days, inclusive of days of erection or placement and removal, and
- e) it does not result in loss of existing lawful public access to the Coastal Marine Area, and
- f) it does not compromise navigational safety. CMr.26.2

Erection or placement of temporary whitebait stands are controlled if:

- a) the structure is 100m or more distant from the nearest whitebait stand, and
- b) the structure does not cause erosion, scour or significantly divert water, and
- c) the width of estuary at the point of structure placement is at least 10m, and
- d) the structure extends no more than 2m over the estuary, river, or stream bed in a direction at right angles to the bank, and
- e) the structure is removed at the end of the whitebait season.
  - i) the length, width and height of the structure, and

- ii) Occupation and public access, and
- iii) Duration of consent and removal of structure, and
- iv) Monitoring and review.

Control reserved over:

- i) the length, width and height of the structure, and

## **CMr.28**

**Impounding or containing structures** [note – this rule is a regional rule]

### **CMr.28.1**

Erection of impounding or containing structures is not a permitted activity.

### **CMr.28.2**

not applicable

### **CMr.28.3**

The erection of a structure is a discretionary activity if:

- a) it will impound or effectively contain less than 4 ha of the Coastal Marine Area, or

If a structure is to be erected within an estuary, it is a non-complying activity.

In addition, the erection of a structure is a restricted coastal activity if it impounds or effectively contains 4ha or more of the Coastal Marine Area.

The erection of a structure is a discretionary activity and a restricted coastal activity if it impounds or effectively contains 4 ha or more of the Coastal Marine Area.

**CMr.49 Discharge from aquaculture** [note – this rule is a regional rule]

### **CMr.49.1**

Discharges from aquaculture are not a permitted activity.

### **CMr.49.2**

not applicable

### **CMr.49.3**

The discharge of water or contaminants from aquaculture activities into the Coastal Marine Area is a discretionary activity if:

- a) after reasonable mixing the classification standards (contained in Schedule CMs) for the receiving water are complied with.

**CMr.58 Other activities** [note – this rule is a regional rule]

### **CMr.58.1**

Other activities, not covered by rules in this Plan, but referred to in sections 12(1), 12(2), 14 and 15 of the Act or any other subsequent amendments are not permitted activities.

### **CMr.58.2**

not applicable

### **CMr.58.3**

Activities not covered by rules in this Plan but referred to in sections 12(1), 12(2), 14 and 15 of the Act or any other subsequent amendments are discretionary.

## Proposed Tasman Resource Management Plan

**Aquaculture** – means any:

- (a) physical modification or disturbance of the foreshore or seabed; or
- (b) placement of any structure in, on, or over foreshore or seabed, or in the water column; or
- (c) occupation of foreshore, seabed, water column, or water surface; or
- (d) introduction or planting of any exotic plant; for any of the activities of enhancement, breeding, hatching, cultivating, rearing, or ongrowing of fish, shellfish, aquatic life or seaweed for harvest; where the purpose of that activity is marine farming or the catching or holding of spat, and whether the activity is investigative, experimental, or commercial in nature; and includes scallop spat catching, mussel spat catching, and mussel farming.

### 21.1.20 Methods of Implementation

- (b) Investigations and Monitoring
  - (i) Identification of elements of natural character in the coastal marine area, to be applied in the consideration of consent applications.
  - (ii) Programme of investigations to establish baseline information about coastal marine process, ecosystems and habitats in the District.
  - (iii) Programme of monitoring coastal marine processes, habitats and ecosystems, and changes to the natural character of the coastal marine area resulting from disturbances, structures, or other uses.

### 22.1 ISSUE

How to provide opportunity to achieve social and economic benefits from aquaculture, while maintaining, enhancing or protecting natural character, landscape, ecological, public access, recreation and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.

### 22.2 Objective

Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting capacity of marine ecosystems and the natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects. Policies AMAs

- 22.1.1 To enable the AMAs to be used as discrete locations where aquaculture may occur in a way that adequately manages adverse effects on the natural and physical resources of the coastal environment, and on its life-supporting capacity, natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi.
- 22.1.2 To provide for the continuation of aquaculture activities at Wainui Bay, for the duration of the existing licences and permits at that location.
- 22.1.3 To prohibit aquaculture activities outside the locations identified in 22.1.1 and 22.1.2.
- 22.1.4 To limit aquaculture activities to scallop spat catching and mussel spat catching, and mussel farming.
- 22.1.5 To promote efficient utilisation of the AMAs for spat catching and mussel farming.
- 22.1.6 To maintain public access to coastal space and resources (except where access is managed under other statutes). Tangata Whenua Iwi

- 22.1.7** To recognise and provide for the relationship of iwi and their customs and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga.
- 22.1.8** To protect sites of significance to iwi, including wahi tapu and wahi taonga, in providing for aquaculture.
- 22.1.9** To provide for continued customary access to traditional coastal resources (except where access is managed under other statutes). Adaptive Management – Mussel Farming
- 22.1.10** To adopt a cautious and adaptive approach to mussel farming, limiting the extent of development until the significance of any adverse ecological effects of aquaculture is better known.
- 22.1.11** To allow successive stages of mussel farming development when Council is satisfied that the risk of adverse ecological effects is manageable.
- 22.1.12** To provide for the monitoring of actual and potential effects of mussel farming on species, habitats, and ecological processes within Tasman and Golden Bays so that any individual and cumulative ecological effects are better understood.
- 22.1.13** To provide for the integrated management of natural and physical resources within the AMAs by requiring applicants for consent (other than for seasonal spat catching) to provide an ecological management plan over the entire subzone to which the application relates.
- 22.1.14** To provide for a formal review mechanism within consents issued for mussel farming so that feedback and learning from monitoring can be utilised to review the appropriateness of conditions of consent.
- 22.1.15** To ensure the integrated management of ecological effects of mussel farming within each AMA.
- 22.1.16** To establish an Ecological Advisory Group to advise the Council on appropriate staging of mussel farming development within the AMAs.
- 22.1.17** To fund the activities of the Ecological Advisory Group through charges applied to consents for mussel farming. Spat Catching
- 22.1.18** To provide locations where spat catching can be carried out either seasonally or permanently.
- 22.1.19** To maintain a distinct season free from any form of aquaculture structures or occupation, in specific spat catching subzones.
- 22.1.20** Where appropriate, to limit the space used for spat catching in any spat catching season, in order to mitigate adverse effects on the natural and physical resources of the coastal environment. Miscellaneous
- 22.1.21** To avoid or mitigate significant adverse effects of mussel farming development in AMA 2 on natural character values in central Golden Bay.
- 22.1.22** To ensure that navigation risks from aquaculture structures are adequately avoided or mitigated.

#### **25.1.5 Controlled Activities (Spat Catching)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for scallop spat catching or mussel spat catching is a controlled activity if it complies with the following standards and terms: AMA 1 Waikato subzone (a)

- (a) The activity has been undertaken pursuant to a marine farm licence or coastal permit existing at 1 January 2004, for which a new permit is sought. Standards (b) to (m) below shall not apply. For Scallop Spat Catching
- (b) The activity occurs only in a subzone for scallop spat catching, and in any season the activity occurs in only one of subzones (a) – (d) in AMA 2 Puramakau and AMA 3 Te Kumara respectively. For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones, with only one subzone in each bay to be used in any season.
- (c) Prior to the commencement of each season, the Environment and Planning Manager is to be advised in writing of the sites to be used.
- (d) Notwithstanding (b), scallop spat caught as a by-catch in mussel spat catching subzones, and mussel spat caught as a by-catch in scallop spat catching subzones, may be harvested. For Mussel Spat Catching
- (e) The activity occurs only in a subzone for mussel spat catching; or (f) applies.
- (f) In any subzone for mussel farming:
- (i) the aggregate area authorised at any time by all consents for mussel spat catching (including any current application if granted) is less than 50 hectares; and
- (ii) no current consent exists for mussel farming in that same subzone.
- (g) Except as provided for in (f), in any season the activity occurs in only:
- (i) one of subzones (e) – (g) in AMA 2 Puramakau;
- (ii) one of subzones (h) – (j) in AMA 2 Puramakau;
- (iii) subzone (k) in AMA 2 Puramakau;
- (iv) one of subzones (e) – (g) in AMA 3 Te Kumara;
- (v) one-third of subzone (h) in AMA 3 Te Kumara. (For the avoidance of doubt, this does not preclude applications being lodged and consents being granted over all of the subzones (e) – (k) in AMA 2 Puramakau and (e) – (h) in AMA 3 Te Kumara.)
- (h) Notwithstanding (e), mussel spat caught as a by-catch in scallop spat catching subzones, and scallop spat caught as a by-catch in mussel spat catching subzones, may be harvested. For All Spat Catching
- (i) The activity allowed by Clause (b) or Clause (e) occurs only in the period between 1 November and 30 April in the following year.
- (j) The activity uses longline structures, with backbone lines submerged and maintained at a depth of not less than 5 metres below the surface of the water.
- (k) The presence of longlines is marked by surface floats connected to the submerged backbone lines, but above the backbone lines there is no connection between floats.
- (l) Where the spat catching is to occur in a subzone not used for spat catching in the last five years, no spat catching structures are placed in the water until information to implement Schedule 25.1H has been provided to the Council.
- (m) Where the spat catching is to occur in a subzone used for spat catching within the last five years, no spat catching structures are to be placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.

A resource consent is required and may include conditions on the following matters over which the Council has reserved control:

- (1) Ecological effects, including monitoring.
- (2) Type, scale, location, density and integrity of structures.
- (3) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (4) Management of biosecurity risk organisms, such as *Undaria*.
- (5) Duration of the permit.
- (6) Financial contributions, bonds, covenants, administrative charges.
- (7) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.
- (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
- (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
- (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

### **25.1.5AA Restricted Discretionary Activities (Spat Catching)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures:

- (i) for mussel spat catching and scallop spat catching in their respective subzones for spat catching, and the activity does not comply with the standards (j) or (k) of Rule 25.1.5; or
- (ii) for mussel spat catching in any subzone for mussel farming, and the activity does not comply with standard (f) of Rule 25.1.5; is a restricted discretionary activity if it complies with the following standards and terms:

- (a) The activity occurs only in the period between 1 November and 30 April in any 12 month period, except that this standard shall not apply to mussel spat catching in a mussel farming subzone.
- (b) The activity uses longline structures, including surface backbone lines and floats.
- (c) Where mussel spat catching is to occur in a subzone not used for mussel spat catching in the last five years, no spat catching structures are placed in the water until information to implement Schedule 25.1H has been provided to the Council.
- (d) Where spat catching is to occur in a subzone used for spat catching in the last five years, no spat catching structures are placed in the water until the consent holder has provided a report to the Council detailing how the effects on the benthic environment from the previous spat catching operations have been dealt with and identifying how those effects from the operation of this consent will be dealt with, to the satisfaction of the Council.
- (e) Scallop spat caught as a by-catch in mussel spat catching subzones, and mussel spat caught as a by-catch in scallop spat catching subzones, may be harvested. A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters over which the Council has restricted its discretion:

- (1) Type, scale, location, density and integrity of structures.
- (2) Treaty values.
- (3) Ecological effects, including monitoring.
- (4) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures, and layout in subzones (e), (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (5) Management of biosecurity risk organisms, such as *Undaria*.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, covenants, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.
- (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
- (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
- (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.5BB Prohibited Activities (Spat Catching)**

- (a) The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures for spat catching in the Aquaculture Exclusion Area is a prohibited activity for which no resource consent application will be received or granted. This rule does not apply to the marine farm licences 115 – 118 and coastal permits NN940213 and NN940214 that existed at Wainui Bay on 25 May 1996.
- (b) Spat catching that does not comply with Rules 25.1.5 or 25.1.5AA is a prohibited activity for which no resource consent application will be received or granted. For the avoidance of doubt, this does not preclude an applicant from applying for consent to catch spat across all spat catching subzones in an AMA in successive years, subject to compliance with Rule 25.1.5(b) and (g) in any spat catching season.
- (c) The catching of spat of species other than scallops or mussels is a prohibited activity for which no resource consent application will be received or granted.

#### **25.1.5CC Controlled Activities (Mussel Farming)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming is a controlled activity if it complies with the following standards and terms:

- (a) The activity occurs in a subzone for mussel farming, being: (i) subzones (a) – (d) of AMA 1 Waikato; (ii) subzones (l) – (q) of AMA 2 Puramakau; (iii) subzones (i) – (l) of AMA 3 Te Kumara.
- (b) Except for AMA 1 Waikato subzone (a), the activity comprises mussel farming, which is identified in a whole subzone ecological management plan submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25.1H, including baseline information.
- (c) The aggregate area of consent(s) for mussel farming (including any current application if granted) in any mussel farming subzone is: (i) less than 50 hectares, which is located in one contiguous area, and is to be farmed at up to the full intensity allowed by the consent; or (ii) less than 75 hectares, which is located in one contiguous area, and is to be farmed at not more than 67% of the intensity in (i); and (iii) for either (i) or (ii), no current consent exists for mussel spat catching in that same block; or (d) applies.
- (d) The activity occurs in AMA 1 Waikato subzone (a) on a site that has been farmed pursuant to a marine farm licence or coastal permit that existed on 25 May 1996, for which a new permit is sought.
- (e) The activity uses longline structures, incorporating surface buoys.

(f) No mussel farming structures are placed in the water until baseline information to implement Schedule 25.1H has been provided to the Council.  
(g) Notwithstanding (f), baseline information is not required for replacement consents where the application site has been farmed within the last five years. A resource consent is required. Conditions will be imposed on the following matters over which the Council has reserved control: (1) Ecological effects, including:

- (i) monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site;
- (ii) application of available monitoring information through consent conditions and reviews;
- (iii) an ecological management plan for the whole subzone;
- (iv) integration with ecological management plans that are relevant for other mussel farming subzones in the same AMA.

Conditions may be imposed on the following matters over which the Council has reserved control:

- (1) Natural character values (AMA 2 Puramakau, subzone (I) only): see Schedule 25.1I.
- (2) Type, scale, location, density and integrity of structures.
- (3) Treaty values.
- (4) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures, and layout in subzones (i), (j), (k) and (l) of AMA 3 Te Kumara.
- (5) Management of biosecurity risk organisms, such as *Undaria*.
- (6) Duration of the permit.
- (7) Financial contributions, bonds, covenants, administrative charges.
- (8) Timing and purpose of reviews of any or all conditions. In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.
- (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
- (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
- (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

#### **25.1.5DD Restricted Discretionary Activities (Mussel Farming)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming that does not comply with the standards and terms of Rule 25.1.5CC is a restricted discretionary activity if it complies with the following standards and terms:

- (a) The activity occurs in a subzone for mussel farming in AMA 1 Waikato, AMA 2 Puramakau, or AMA 3 Te Kumara.

(b) The activity comprises mussel farming which is identified in a whole subzone ecological management plan submitted as part of the resource consent application. The ecological management plan must address the matters set out in Schedule 25.1H.

(c) Except in AMA 1 Waikato subzone (a) or (b), in any subzone a maximum of 50 hectares farmed at up to the full intensity allowed by the consent, or 75 hectares farmed at up to 67% of that intensity, is allowed as the first stage of development. For the avoidance of doubt, and notwithstanding Rule

25.1.5GG (c), this restriction on initial development does not preclude consent being sought and granted over whole mussel farming subzones. The progression to subsequent stages within any subzone will be guided by the ecological management plan and is subject to the evaluation by Council of monitored effects of prior stages.

(d) The activity uses longline structures, incorporating surface buoys.

(e) Except in AMA 1 Waikato subzone (a), no mussel farming structures are placed in the water until baseline information to implement Schedule 25.1H has been provided to the Council.

A resource consent is required. Consent may be refused or conditions imposed on the following matters over which the Council has reserved its discretion:

(1) Ecological matters

(a) Monitoring to ensure sustainable management of the marine environment at and in the vicinity of the site.

(b) Application of available monitoring information through consent conditions and review.

(c) Consistency with the ecological management plan for the subzone.

(d) Intensity of development.

(e) Except in AMA 1 Waikato subzones (a) and (b), the consent will include information requirements consistent with the ecological management plan. Further mussel farming development will be able to proceed only after the monitoring reports from three years or two growing cycles of the initial stage (whichever is the earlier) at the full intensity of development allowed by the consent have been reviewed by the Ecological Advisory Group and subject to the Council, having taken advice from the EAG, determining that subsequent development is able to proceed. For the avoidance of doubt in this matter, "full intensity of development allowed by the consent" means 50 hectares farmed at full intensity as provided for under standard (c) of this rule.

Note: In circumstances where it is not possible or practicable to farm at full intensity (as per standard (c) of this Rule), parties wishing to progress beyond the initial stage of development will need to apply to the consent authority to review the conditions of consent.

(f) In AMA 1 Waikato subzone (a) and (b), the Council will take advice from the EAG on the scale and intensity of development beyond the 80 hectares of mussel farms existing at 25 May 1996, and on ecological monitoring requirements.

(g) Integration with ecological management plans that are relevant for other mussel farming subzones in the same AMA.

(2) Degree of exclusive occupation if sought.

(3) Treaty values.

(4) Type, scale, location, density and integrity of structures.

(5) Natural character values (AMA 2 Puramakau, subzone (l) only): see Schedule 25.11.

(6) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures, and layout in subzones (i), (j), (k) and (l) of AMA 3 Te Kumara.

(7) Management of biosecurity risk organisms, such as *Undaria*.

(8) Duration of the permit.

(9) Financial contributions, bonds, covenants, administrative charges.

(10) Timing and purpose of reviews of any or all conditions. In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

(a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.

- (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
- (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
- (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

### **25.1.5EE Discretionary Activities (Mussel Farming)**

The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures for mussel farming, that does not comply with standard and term (d) of Rule 25.1.5DD is a discretionary activity. A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, Council will have regard to the following matters as well as other provisions of the Plan and the Act.

- (1) Degree of exclusive occupation if sought.
- (2) Treaty values.
- (3) Type, scale, location, density and integrity of structures.
- (4) Ecological matters, including monitoring.
- (5) Natural character.
- (6) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures.
- (7) Management of biosecurity risk organisms, such as *Undaria*.
- (8) Duration of the permit.
- (9) Financial contributions, bonds, covenants, administrative charges.
- (10) Timing and purpose of reviews of any or all conditions. In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:
  - (a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.
  - (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
  - (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
  - (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
  - (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
  - (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

Note: Mussel farming that does not comply with standards and terms (a), (b), (c) and (e) of Rule 25.1.5DD is a prohibited activity (see Rule 25.1.5GG), except as provided in Rule

25.1.5FF. 25.1.5FF Discretionary Activities (Mussel Farming at Wainui Bay) The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for mussel farming is a discretionary activity if it complies with the following standards and terms:

- (a) The activity is at Wainui Bay on the site of a coastal permit or marine farm licence that existed on 25 May 1996; and
- (b) The activity uses longline structures, incorporating surface buoys. A resource consent is required. Consent may be refused, or conditions imposed. In considering applications and determining conditions, Council will have regard to the following matters as well as other provisions of the Plan and the Act.
  - (1) Degree of exclusive occupation, if sought.
  - (2) Treaty values.
  - (3) Type, scale, location, density and integrity of structures.
  - (4) Ecological matters, including monitoring.
  - (5) Natural character.
  - (6) Navigation, including the form of compliance with Maritime Safety Authority guidelines for the marking and lighting of aquaculture structures.
  - (7) Management of biosecurity risk organisms, such as *Undaria*.
  - (8) Duration of the permit.
  - (9) Financial contributions, bonds, covenants, administrative charges.
  - (10) Timing and purpose of reviews of any or all conditions.

In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:

- (a) The activity does not discharge contaminants to the sea, and in particular tributyl-tin antifouling is not used on any structure or equipment and no artificial feed is added to the sea. For the purposes of this rule, naturally occurring marine material that is discharged by any organism or from any aquaculture structure is not a contaminant.
- (b) Where any structure or part of a structure sinks, breaks free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Harbourmaster of any such incident as soon as practicable on becoming aware of it.
- (c) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.
- (d) The consent holder notifies the Duty Officer at the Maritime Safety Authority immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies the Nautical Adviser at Land Information New Zealand, and the Council Harbourmaster.
- (e) The coastal permit is not exercised until the Council has been provided with a copy of any Fisheries Act authorisation required for the activity.
- (f) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.

### **25.1.5GG Prohibited Activities (Mussel Farming)**

- (a) The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for aquaculture activities in the Aquaculture Exclusion Area, is a prohibited activity for which no resource consent application will be received or granted; except for the sites of the marine farm licences and coastal permits that existed at Wainui Bay on 25 May 1996.
- (b) Mussel farming on a site zoned for spat catching is a prohibited activity for which no resource consent application will be received or granted. These sites are: (i) subzones (a) – (k) in AMA 2 Puramakau; and (ii) subzones (a) – (h) in AMA 3 Te Kumara.
- (c) Mussel farming that would otherwise be a restricted discretionary activity or a discretionary activity, that does not comply with standards (a), (b), (c) and (e) of Rule 25.1.5DD, or with Rule 25.1.5FF, is a prohibited activity and no application may be made for that activity and no resource consent may be granted for it.

(d) The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for farming species other than mussels, is a prohibited activity for which no resource consent application will be received or granted.

Note: Existing TRMP Rule 25.1.5B is a permitted activity rule for the deployment of structures for scientific investigation. This rule would permit control sites for monitoring effects of aquaculture outside the AMAs, without conflicting with prohibited activity Rule 25.1.5GG.

#### **25.1.5B Permitted Activities (Structures, etc. for Scientific Investigation)**

The deployment of any structure, instrument, or material for or in connection with any scientific investigation is a permitted activity that may be carried out without a resource consent, if it complies with the following conditions:

- (a) There is no damage to any animal or plant habitat.
- (b) There is no impediment to public access.
- (c) The structure or instrument is clearly marked so as not to be a hazard to navigation.
- (d) The structure or instrument does not occupy an area of more than 20 square metres nor exceed five metres in height.
- (e) The deployment does not constitute a contaminant discharge.

# Regional Coastal Environmental Plan Canterbury Region

November 2005

## Policy 6.1

(a) Within the Coastal Marine Area Environment Canterbury, and the Minister of Conservation in relation to Restricted Coastal Activities, will:

(i) control activities and development to remedy or mitigate adverse effects on:

- coastal ecosystems and processes,
- the identified values of Areas of Significant Natural Value,
- the identified values of areas of high natural, physical, heritage or cultural value, and
- natural character in areas of the coastal environment where natural character predominates; and

(ii) control activities and development to avoid any significant adverse effects on:

- coastal ecosystems and processes,
- the identified values of Areas of Significant Natural Value,
- the identified values of areas of high natural, physical, heritage or cultural value, and
- natural character in areas of the coastal environment where natural character predominates; unless there are special or extraordinary and unique reasons why those adverse effects cannot be avoided; and

(iii) adopt a precautionary approach<sup>10</sup> when considering applications for resource consents where the effects, including cumulative effects, are as yet unknown or little understood, or where the functioning of marine ecosystems and coastal processes is poorly understood.

(b) Environment Canterbury will undertake a process of investigation and public consultation to:

- (i) identify additional areas of high natural, physical, heritage, or cultural value, including wahi tapu, urupa, tauranga waka and mahinga kai; and
- (ii) identify areas where access to and along the Coastal Marine Area needs to be enhanced or controlled.

## Explanation

Areas of Significant Natural Value are identified only within the Coastal Marine Area. The values of these areas often extend landward of this administrative boundary, for example, seal colonies, and coastal landforms and landscapes. Such areas, along with other areas in the coastal environment, have been identified as having high natural, physical, heritage, or cultural value, but their protection will be the responsibility of territorial authorities.

In relation to the matters in Policy 6.1 (a) (ii), the consent authority for an activity or development in the Coastal Marine Area should be satisfied that there is a need for the activity or development to be in that part of the Coastal Marine Area and that alternative sites in other areas of the Coastal Marine Area or onshore are unsuitable or impractical. It is accepted that on occasions there may be special or extraordinary and unique reasons why an activity cannot avoid significant adverse effects on the environment including those matters identified in the Objectives or Policy 6.1 (a) (ii). It may involve, for example, the development of regionally significant strategic infrastructure or the establishment of other activities that have strategic importance to the region.

Because there is a relative lack of understanding about coastal processes and the effects of activities on these processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.

Access may enhance the ability of people to enjoy the resources of the Coastal Marine Area, but it can also put those resources at risk. Runanga will identify sites of significance to Tangata Whenua within their individual role.

## Principal Reason

To protect Areas of Significant Natural Value from the adverse effects of subdivision, use and development and to ensure that such activity does not adversely affect areas of high natural, physical, heritage, or cultural value, including the natural character of the coastal environment or the life supporting capacity of coastal ecosystems.

## Methods

The Methods used or to be used by Environment Canterbury are: Identification and investigation; Information provision/education; Advocacy; Resource consents; Joint management of sites; and Encourage the preparation of Iwi Management Plans.

## 6.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results.

- (a) Protection of outstanding natural landscapes/seascapes
- (b) Recognition, protection and enhancement of the life-supporting capacity of coastal ecosystems.
- (c) Protection of areas of significance to Tangata Whenua.
- (d) Protection of areas of significant amenity, recreational and heritage value.
- (e) Commercial activities located in appropriate areas of the coastal environment and significant port and network utility infrastructure protected.
- (f) Preservation of the natural character of the coastal environment.

Although the majority of the Coastal Marine Area is of a high water quality, some areas, as a result of various human activities, have specific water quality problems that need to be resolved. These areas are made subject to the water quality standards set out in this Chapter of the plan. Outside these areas, coastal waters are of a high water quality that should be maintained.

The coastal waters of the Canterbury Region are valued for recreation, food gathering, cultural purposes, production from marine farming and wildlife. Currently coastal waters are the receiving environment for:

- (a) sediment from both natural and accelerated erosion, particularly around Banks Peninsula and the mouths of rivers. (This occurs along the whole coast but is particularly an issue for loess covered hill areas of North Canterbury and Banks Peninsula);
- (b) dredging spoil from harbour maintenance and associated activities in and approaching Lyttelton Harbour/Whakaraupo and Timaru Harbour;
- (c) contaminants from loading and discharge of cargoes and from other industrial activities in the ports of Lyttelton and Timaru;
- (d) ballast water discharge from vessels which may contain exotic organisms and contaminants;
- (e) oil, sewage, and rubbish from commercial vessels and pleasure craft;
- (f) debris from vessel maintenance, for example sandblasting and other industrial processes;
- (g) effluent from fish processing from vessels within the Coastal Marine Area and from shore based facilities near the port areas of Lyttelton, Timaru and Kaikoura;
- (h) stormwater from residential, commercial and industrial areas as well as from roads and other hard surfaces either directly or indirectly;
- (i) treated and untreated sewage, discharged directly into coastal waters or indirectly by seepage through coastal gravels/sand or by discharge into surface waters that drain to coastal waters, particularly the Ashley/Rakahuri, Waimakariri, Ashburton/Hakatere and Opihi Rivers and the Estuary of the Heathcote and Avon Rivers/Ihutai;
- (j) groundwater seepage through cliffs and the foreshore which may contain septic tank discharges, agricultural and industrial chemicals and seepage from contaminated sites, landfills and other sources of contamination;
- (k) rivers and creeks receiving run-off from agricultural, horticulture and forestry areas; and
- (l) the scattering of human ashes in coastal waters. Not all coastal waters receive an equal load of these wastes or are equally affected. Contaminant discharges have the potential for much greater damage in a partly enclosed area where, unlike the open coast, there are few currents and changes of water. Consents to discharge into the lower reaches of some rivers currently exercised by industry and community sewerage schemes adversely affects some areas of coastal water and have the potential to adversely affect other areas. Consents have been

granted for discharges affecting the mouths of the Ashley/Rakahuri, Waimakariri, Ashburton/Hakatere and Opihi Rivers and the Estuary of the Heathcote and Avon Rivers/Ihutai.

### **Objective 7.1**

Enable present and future generations to gain cultural, social, recreational, economic, health and other benefits from the quality of the water in the Coastal Marine Area, while:

- (a) maintaining the overall existing high natural water quality of coastal waters;
- (b) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and areas of significant indigenous vegetation;
- (c) safeguarding, and where appropriate, enhancing its value for providing mahinga kai for Tangata Whenua;
- (d) protecting wahi tapu and wahi taonga of value to Tangata Whenua;
- (e) preserving natural character and protecting outstanding natural features and landscapes, where water quality is an aspect of their value, from reductions in water quality;
- (f) maintaining, and where appropriate enhancing, amenity values; and
- (g) recognising the intrinsic values of ecosystems and any finite characteristics of the coastal environment.

### **Principal Reason**

Sustainable management of water resources enables people and communities to provide for their well-being subject to certain constraints. These constraints include safeguarding the life-supporting capacity of water for indigenous flora and fauna; and avoiding, remedying or mitigating adverse effects on its use for recreation, fishing, aquaculture, amenity and cultural purposes and for mahinga kai.

### **Rule 7.2 Discretionary Activities**

Except as provided for by Rules 7.1, 7.3 7.4, 7.5 or 7.6, the discharge of any water or any contaminant, into water, or onto or into land, in the Coastal Marine Area, is a Discretionary Activity and shall comply with the standards and terms set out below.

**This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.**

#### **Standards and Terms for Rule 7.2**

(1) Except as specified in (2) below, the activity shall comply with the following standards and terms:

(a) The relevant water quality standards contained in the water quality classes set out in Schedule 4 shall be observed. The standards apply after reasonable mixing of any discharge of contaminants or water to water and disregard the effect of any natural perturbations that may affect the receiving water.

(b) The discharge, (either by itself or in combination with the same, similar, or other contaminants or water), and disregarding the effect of any natural perturbations that may affect the receiving water, shall not, after reasonable mixing of the contaminant with the receiving water, give rise to any of the following effects in the receiving waters:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) within areas classified as Coastal AE water or Coastal CR water: a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 %; within any other area: a change in the colour of the receiving water by greater than five points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 20 %; or

(iii) any emission of objectionable odour.

(2) The discharge of dredged material by or on behalf of the Lyttelton Port Company within the spoil dumping grounds in Lyttelton Harbour/Whakaraupo shown in Map 5.5 is a Discretionary Activity for which no standards and terms are set by this Rule.”

### **Policy 7.11**

Discharges of untreated sewage from ships or offshore installations should not occur within the following bays and harbours of Banks Peninsula: Te Oka Bay, Peraki Bay, Flea Bay, Otanerito Bay, Le Bons Bay, Okains Bay, Little Akaloa Bay, Pigeon Bay and Port Levy/Koukararata.

## **Explanation**

The Resource Management Act (Marine Pollution) Regulations 1998 provide that a regional coastal plan can control discharges of untreated sewage for particular parts of the region by increasing the distances seaward or increasing the depths that are specified in the Regulations within which no discharges from a ship or offshore installation of untreated sewage may take place.

Discharges of Grade "A" treated sewage are permitted by the Regulations provided they are further than 100 metres from a marine farm and discharges of Grade "B" treated sewage are permitted by the Regulations provided they are further than 500 metres from a marine farm or a mataitai reserve. Ships are defined by the regulations to include vessels of all descriptions.

## **Principal Reason**

The bays of Banks Peninsula are subject to considerable contact recreational activity. Many of the bays also have designated water quality classifications that will be better able to be met if untreated sewage discharges from ships and offshore installations are prohibited.

The size and shape of the named bays is such that there is only a small part of each bay affected by the policy. To discharge untreated sewage and comply with the regulations a vessel would have to be accurately positioned in those small areas. This is not very practical, and compliance and enforcement is simplified by this policy and the associated prohibited activity rule.

## **Methods**

The Methods used or to be used by Environment Canterbury are: information provision/education; advocacy; and regional rules.

### **Method 7.4 Investigations**

Schedule 5 sets out the areas for which water quality standards are set. Some of these areas are known to be used at present for shellfish gathering and water contact recreation and are known to have degraded water quality. These areas are also marked on the Planning Maps in Volume 2.

A process of investigation and public consultation will be undertaken by Environment Canterbury to identify and define other parts of the Coastal Marine Area where specific water quality standards should be set and enforced for the purposes of managing water quality for:

- water contact recreation,
- shellfish gathering,
- protection of aquatic ecosystems,
- Tangata Whenua cultural purposes,
- aquaculture purposes, and
- maintenance of water in its natural state.

The Resource Management (Marine Pollution) Regulations 1998 provide that no persons may discharge untreated sewage from a ship or offshore installation within 500 metres of the shore or a marine farm, or in water depths of less than five metres. Such distances or depths may be increased in a regional coastal plan. Places where the restrictions in the regulations should be tightened should also be determined by the process of investigation and public consultation.

Environment Canterbury will identify priority areas for promoting changes to land use practices to prevent nutrient enrichment and contamination of coastal waters from run-off. Environment Canterbury will also identify priority areas for dealing with point source discharges of contaminants to non-coastal waters where they have adverse effects in the Coastal Marine Area. This identification work will be done within five years of this plan becoming operative.

## Principal Reason

To establish and implement a process where coastal water quality standards should be applied to maintain existing high water quality and improve degraded areas. To determine where water quality in the Coastal Marine Area is significantly affected by non-point source discharges.

### Policy 8.1

Environment Canterbury will authorise as Permitted Activities, subject to conditions that ensure adverse effects are avoided, remedied or mitigated, activities that take place in the Coastal Marine Area, including:

- (a) the reconstruction, alteration, removal or demolition of structures, and the erection of minor structures;
- (b) extensions to existing structures in port areas;
- (c) limited disturbance of the foreshore or seabed and deposition of natural material;
- (d) limited occupation of the Coastal Marine Area; and
- (e) taking of coastal water or taking of heat or energy from coastal water; and
- (f) the damming or diversion of coastal water; and
- (g) the operation and development of network utility networks.

### Policy 8.2

Environment Canterbury, and the Minister of Conservation in relation to Restricted Coastal Activities, will regulate activities in the Coastal Marine Area that may have adverse effects on the environment. These activities include:

- (a) the placement of swing moorings;
- (b) the introduction or planting of exotic plants;
- (c) the emission of noise;
- (d) reclamations;
- (e) the transfer of petroleum products between vessels;
- (f) the use of vessels or buildings for habitation;
- (g) activities involving: structures, foreshore and sea bed disturbance, deposition of material, occupation, or taking of water or heat or energy from water; where those activities are not authorised as a Permitted Activities; and
- (h) activities that are of sufficient scale or effect to be a Restricted Coastal Activities;
- (i) production and storage of hazardous substances.

### Policy 8.3

In considering applications for resource consents to undertake activities in the Coastal Marine Area, Environment Canterbury, and the Minister of Conservation in relation to Restricted Coastal Activities, will have regard to:

- (a) the existing level of use and development in the area and the national priority in the New Zealand Coastal Policy Statement to preserve the natural character of the coastal environment; and
- (b) the need to protect characteristics of the coastal environment of special value to Tangata Whenua; and
- (c) effects on the public use and enjoyment of the coast, including public access to and along the Coastal Marine Area, and the contribution of open space to the amenity value of the coast; and
- (d) cumulative effects of such activities on the coastal environment both within and outside the immediate location; and
- (e) existing agricultural and other use and development of the adjacent land area, and any adverse effects on that activity; and
- (f) the status of any lands or areas administered by the Department of Conservation that are affected; and (g) the publicly notified purpose of any proposal for protected status, if the application affects an area proposed for protection under a statute administered by the Department of Conservation; and
- (h) the possibility of natural features migrating inland as the result of dynamic coastal processes, including sea level rise, and the ability of natural features to protect subdivision, use and development from erosion and inundation; and

(i) the need to protect existing network utility infrastructure where such infrastructure is located adjacent to or within the Coastal Marine Area.

### **Policy 8.5**

In considering applications for resource consents to occupy the Coastal Marine Area, Environment Canterbury, and the Minister of Conservation in relation to Restricted Coastal Activities, should:

- (a) give priority to maintaining safe anchorages for vessels; and
- (b) avoid impeding navigational channels and access to wharves, slipways and jetties; and
- (c) avoid displacing existing public recreational use of the area where there are no safe adjacent alternative areas available; and
- (d) have regard to existing commercial use of the area and any adverse effects on that activity, including recognition of the designated Port Operational Areas; and
- (e) have regard to any adverse effects on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and
- (f) have regard to any adverse effects on the cultural, historic, scenic, amenity, Tangata Whenua, and natural values of the area; and
- (g) have regard to available alternative sites and the reasons for the applicant's choice of site; and
- (h) have regard to existing use and development of the area and the extent to which the natural character of the area has already been compromised; and
- (i) only provide for the period or periods of occupation that are reasonably necessary to meet the purposes for which occupation is sought.

### **Policy 8.15**

(1) Areas of Banks Peninsula listed in Schedule 5.13 and Areas of Significant Natural Value should be maintained in their present natural states; free of additional structures, including marine farms; unless it can be established for those areas that the structures and their use will have no more than minor adverse effects on:

- (a) the natural character of the area including its overall landscape and seascape; and
  - (b) the marine, foreshore and seabed ecology; and
  - (c) the water quality; and
  - (d) the use or enjoyment of the area by recreational, tourist or other users of the marine environment who do not require authorisations for exclusive occupancy; and
  - (e) the habitat of Hector's Dolphins.
- (2) Exceptions to (1) should only be made for:
- (a) wharves, jetties and other structures that facilitate public access to the marine environment;
  - (b) intake or outfall structures;
  - (c) marine farm operations that existed or were authorised prior to 28 August 1998;
  - (d) areas for which existing marine farm permits were granted under the Fisheries Act 1983 or the Marine Farming Act 1971 prior to 16 May 2001;
  - (e) minor expansions of existing marine farm operations at or adjacent to their existing locations;
  - (f) an area in close proximity to an existing marine farm for the temporary relocation of the marine farm for reasons of storms, algal blooms, oil spills, toxic discharges and other environmental hazards for the operation of the marine farm;
  - (g) structures for the monitoring of, and/or research into, the marine environment;
  - (h) structures for the conservation and/or enhancement of marine species;
  - (i) small scale non-commercial marine farming structures in Mātaitai Reserves; and
  - (j) structures needed to maintain, repair, or protect network utility infrastructure.

## **8.3 Methods**

### **Method 8.1 Investigations**

Environment Canterbury will investigate the necessity for changes to the provisions of this plan dealing with the allocation of water space in the coastal waters of Banks Peninsula. Such an investigation will involve all relevant user groups, commercial interests including the Lyttelton Port Company Limited and aquaculture ventures, the Department of Conservation, the Ministry of Fisheries, Tangata Whenua and District Councils. This will assist in identifying areas of high natural character, open space and amenity where development should be avoided, and areas where natural character has been compromised and development would be appropriate. The

development of siting and design guidelines for common activities and structures could also be an outcome of these investigations.

Environment Canterbury and the Department of Conservation will investigate illegal structures, illegal reclamations and dumping of material and structures that appear to be abandoned and no longer have any useful purpose. Environment Canterbury will attempt to contact the owners of such structures to have them removed or legitimised.

### **Principal Reason**

To ensure that allocation of water space is undertaken in a way that allows both commercial and recreational access while protecting the natural coastal environment. To avoid or remedy adverse effects on the coastal environment from illegal and derelict structures.

### **Method 8.2 Co-ordination and Facilitation**

Environment Canterbury will liaise with and mediate between user groups and territorial local authorities to help resolve conflicts over use of water and foreshore space. It will establish voluntary codes of conduct regarding noise and speed with user groups.

Environment Canterbury will liaise with organised user groups to investigate locations where activities with potentially adverse effects, for example jetskis, may operate. Environment Canterbury will, in the Coastal Marine Area, ensure that the Hydrographer of the Royal New Zealand Navy and the Maritime Safety Office are advised of new structures and works.

Environment Canterbury will liaise with and participate in the planning processes of District Councils, in order to address any activities with cross boundary effects, including situations where the Coastal Marine Area boundary is difficult to define. Where activities or developments occur across the Coastal Marine Area boundary, Environment Canterbury will seek to participate in joint hearings for resource consent applications.

### **Principal Reason**

To resolve conflict and the needs of users through discussion and mediation and to inform appropriate agencies involved in the safety of shipping of new structures and works in the Coastal Marine Area.

## **Rule 8.3 Discretionary Activities**

Except as provided for by Rules 8.1, 8.2, 8.4, 8.5, or 8.6; the erection, reconstruction, placement, alteration, extension, removal or demolition of any structure, or part of any structure, fixed in, on, under, or over any foreshore or seabed; is a Discretionary Activity.

### **Principal Reason**

Activities involving construction works which will cover large areas or take place in areas which currently have little development impact on the coastal environment, through effects on the amenity, natural character, flora and fauna, and other values of that environment. The potential adverse effects of such activities need to be assessed through the resource consent process.

## **Deposition of any Substance in, on, or under, any Foreshore or Seabed.**

### **Rule 8.12 Permitted Activities**

- (a) The deposition in, on or under any foreshore or seabed of sediment, sand, shingle, shell or other natural material from the foreshore or seabed that occurs contemporaneously with and is directly associated with any erection, reconstruction, placement, alteration, extension, removal or demolition of a structure or that occurs contemporaneously with and is directly associated with any disturbance of the foreshore or seabed, is a Permitted Activity provided that:
- (i) the erection, reconstruction, placement, alteration, extension, removal or demolition of the structure or the disturbance of the foreshore or seabed is authorised as a Permitted Activity in accordance with Rules 8.1 or 8.7; or is authorised by a resource consent in accordance with Rules 8.2, 8.3, 8.4, 8.5, 8.6, 8.8, 8.9 or 8.11; and
  - (ii) outside the Operational Area of a Port, no more than five cubic metres of

material shall be deposited by any person in any twelve month period; and  
(iii) within the Operational Areas of a Port, no more than 50 cubic metres of material shall be deposited by any person in any twelve month period; and  
(iv) the deposition shall not take place within an Area of Significant Natural Value.

#### **Policy 8.15**

- (1) Areas of Banks Peninsula listed in Schedule 5.13 and Areas of Significant Natural Value should be maintained in their present natural states; free of additional structures, including marine farms; unless it can be established for those areas that the structures and their use will have no more than minor adverse effects on:
- (a) the natural character of the area, including its overall landscape and seascape; and
  - (b) the marine, foreshore and seabed ecology; and
  - (c) the water quality; and
  - (d) the use of enjoyment of the area by recreational, tourist or other users of the marine environment who do not require authorisations for exclusive occupancy; and
  - (e) the habitat of Hector's Dolphins.
- (2) Exceptions to (1) should only be made for:
- (a) wharves, jetties and other structures that facilitate public access to the marine environment;
  - (b) intake or outfall structures;
  - (c) marine farm operations that existed or were authorised prior to 28 August 1998;
  - (d) areas for which existing marine farm permits were granted under the Fisheries Act 1983 or the Marine Farming Act 1971 prior to 16 May 2001;
  - (e) minor expansions of existing marine farm operations at or adjacent to their existing locations;
  - (f) an area in close proximity to an existing marine farm for the temporary relocation of the marine farm for reasons of storms, algal blooms, oil spills, toxic discharges and other environmental hazards for the operation of the marine farm;
  - (g) structures for the monitoring of, and/or research into, the marine environment;
  - (h) structures for the conservation and/or enhancement of marine species;
  - (i) small scale non-commercial marine farming structures in Mataitai Reserves; and
  - (j) structures needed to maintain, repair, or protect network utility infrastructure.

#### **Occupation of the Coastal Marine Area.**

##### **Rule 8.23 Permitted Activities**

The following activities are Permitted Activities:

- (a) The occupation of the Coastal Marine Area for the purpose of carrying out the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure that is authorised as a Permitted Activity in accordance with Rule 8.1, or by a resource consent, while that erection, reconstruction, placement, alteration, extension, removal or demolition is occurring, provided that Environment Canterbury is informed in writing of the nature of the activity, the structure and the occupation, at least ten working days before the occupation of the Coastal Marine Area for the activity commences.
- (b) The occupation of additional parts of the Coastal Marine Area as a result of the erection, reconstruction, placement, alteration, or extension, of a structure where that activity is authorised as a Permitted Activity in accordance with Rule 8.1, provided that Environment Canterbury is informed in writing of the nature of the changes to the structure and the occupation, at least ten working days before the erection, reconstruction, placement, alteration, or extension commences.

##### **Rule 8.24 Discretionary Activities**

Except as provided for by Rules 8.23, 8.25 or 8.26; the occupation of the Coastal Marine Area is a Discretionary Activity.

##### **Rule 8.27 Discretionary Activities**

Except as provided for by Rules 8.28, 8.29 or 8.30; any reclamation or drainage of the foreshore or seabed is a Discretionary Activity.

## 12.2 Information to be Provided

Information that must be provided with an application for a resource consent is set out in Section 88 and the Fourth Schedule of the Act (reproduced in Appendix 2). In particular an application must include an assessment of the actual or potential effects that the proposed activity may have on the environment and the ways in which any adverse effects can be mitigated.

The Council may request additional details. This can occur if it is felt that such information is necessary to understand the proposal, its environmental effects and the ways of mitigating them. The circumstances under which a Council may request further information are set out in Section 92 of the Act (reproduced in Appendix 2).

The information to accompany an application “*shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment*” (Section 88(6)(a)). In other words, if the environmental effects are likely to be minor, either because the activity is of a minor nature or involves little disruption, then less detail will be required.

Information on the following matters, amongst other things, should form part of a resource consent application where that would be appropriate to the scale and type of activity proposed.

### (1) Description of the activity proposed

- (a) A description of the activity.
- (b) Extent and location of the activity including land tenure and title.
- (c) Term of operation of the activity.
- (d) Need to locate the activity in this area and alternative locations considered (especially if located in the Coastal Hazard Zones).
- (e) Design, construction, maintenance and operation of the activity (i.e. demonstrate that the activity and any structures associated with it can be safely carried out in a hostile coastal environment).
- (f) Any land based facilities and services that are associated with the activity.
- (g) Waste treatment and disposal methods to be employed.
- (h) Methods to store, handle, transport, use and dispose of chemicals, fuels or toxic materials.

### (2) Assessment of effects

- (a) Any effects on navigation and safety.
- (b) Marine habitat, including all plants and animals in the vicinity and the ability of such habitat to adjust to the effects without great harm.
- (c) Coastal processes operating in the area, including current, tides, erosion, the accumulation or removal of sediments (mud, sand gravel, etc).
- (d) Existing water quality in the area.
- (e) Assess not only the short-term effects of the proposal, but also the long term effects over the operating life of the activity.
- (f) Effects on areas of historic, cultural, archaeological, scientific or conservation significance and the values associated with these.
- (g) Any displacement of other users of the Coastal Marine Area which will arise from the proposal including the ability of the public to obtain access to the area
- (h) The type, content and volume of any discharge to the Coastal Marine Area.
- (i) The form and type of treatment of the discharge, if any.
- (j) Volumes and types of material and the areas involved in both extraction and deposition.
- (k) The type and constituents of any fill material to be used in reclamations, impoundments, and solid structures.

### (3) Mitigation of effects

- (a) Measures to be undertaken to avoid remedy or mitigate these effects.
- (b) Methods to deal with nuisance arising from noise, dust, glare, light or smell.
- (c) Procedures for the removal of structures and the restoration of the area in the event of failure or at the end of their operational life.
- (d) Monitoring methods used to assess the effects of the development over the term of its operation.

(e) Proposed financial contributions in the form of money, works, services or any combination of these, to restore or offset any damage to or loss of, any natural or physical resources.

In relation to a resource consent application within the Coastal Marine Area of the Banks Peninsula, an applicant will be required to show evidence of consultation with the Ministry of Agriculture and Fisheries relating to the impact of the applicant's proposal on the suitability of the area for marine farming.

The fourth schedule of the Act states that an assessment of effects on the environment should include: "*An identification of persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.*" Such affected persons may include a port company, the Tangata Whenua or the Department of Conservation.

The applicant should list any resource consents required from other authorities and whether or not these have been applied for. This will help the Council to determine whether a joint hearing should be held if required.

June 2000

### 7.2 ISSUES

#### **7.2.1 Public access to large parts of the coast is limited and it is important that public access to and along the coastal marine area is maintained and where possible enhanced.**

##### **Explanation**

Section 6 of the Act states that it is a matter of national importance to maintain and enhance public access to and along the margins of the coastal marine area (and the margins of lakes and rivers). At present there are numerous places along the West Coast's coastline where public access is either restricted or limited by such things as topography and land tenure. Improving public access to the coastal marine area is a matter that needs to be considered in conjunction with the relevant district council, Department of Conservation and/or the private land owner having responsibility for the access points.

Access to the coast across land within the planning boundary of a district council can only be enhanced by provisions in a district plan. Where possible territorial local authorities have a responsibility to provide for section 6 of the Act (matters of national importance), which requires maintenance and enhancement of public access to and along the coastal marine area. The territorial authority can make provision for access through the use of marginal strips and reserves. When considering future developments within and adjacent to the coastal marine area, provision for public access is essential.

#### **7.2.2 Some activities in the coastal marine area require occupation of space and may result in a reduction in public access to and along the coastal marine area.**

##### **Explanation**

Although section 6 of the Act requires public access to be maintained and enhanced, some activities in the coastal marine area will result in a restriction of access. For example, temporary restrictions may be necessary to provide for public activities or public events. Other activities, such as port operations and rail operations, may require occupation and restricted access for safety, commercial security or other reasons.

The Health and Safety in Employment Act 1992 makes the safety of people within the area where public are restricted or excluded the responsibility of the persons requiring public restrictions on public access. In some cases access may also be restricted as a result of structures associated with utility operators such as roading networks.

#### **7.2.3 Public access may need to be restricted in order to protect public health and safety.**

##### **Explanation**

There are some circumstances where restrictions may be required on public access in order to protect public health and safety. These reasons may not involve other activities as outlined in Issue 7.2.2, but may relate to risks associated with natural hazards for instance.

**7.2.4 Public access to areas of the coastal marine area may damage areas of importance to the regional community including, but not limited to:**

- (a) Sites of Poutini Ngai Tahu cultural and spiritual value;**
- (b) Areas of significant indigenous vegetation and significant habitats of indigenous fauna, including whitebait habitat and Marine Mammal and Bird sites;**
- (c) Coastal Protection Areas;**
- (d) Outstanding Natural Features and Landscapes.**

**Explanation**

In some cases, public access to areas can adversely affect the values associated with those areas. Any improvement in access to such sites needs to be fully investigated in order that adverse effects are avoided or mitigated.

**7.2.5 Motorised vehicle use within the coastal marine area may adversely affect habitats, flora and fauna, coastal processes, and pose a danger to the public.**

**Explanation**

While some motorised vehicle use may be necessary for commercial and recreational purposes, it is important to recognise that in some circumstances driving vehicles within the coastal marine area can result in damage to habitats, flora and fauna from direct disturbance, compaction and crushing. Access to the foreshore may also adversely affect coastal processes, such as formation and stability of sand dunes which are part of the coastal environment.

Restricting the access of vehicles to certain areas is a matter that needs to be considered in conjunction with the relevant district council, Department of Conservation and/or the private land owner having responsibility for the access points.

In some circumstances, irresponsible use of vehicles may also pose a risk to the public who use the area.

Where the foreshore is owned by the Crown and is included in the definition of a road, it is subject to a 100 kilometre an hour speed limit, unless otherwise restricted through the 1976 Traffic Regulations. A road is defined in the Transport Act 1962 as meaning any place to which the public have access. The Regional Council has no powers to make bylaws covering the foreshore under the Traffic Regulations. Hence, this Plan contains no rules restricting vehicle use from a public safety perspective.

Buller and Grey District Council currently have no ability to make bylaws with respect to vehicle speed on the foreshore. Westland District Council has extended its seaward boundary down to mean low water springs for the purpose of controlling nuisance activities such as dogs, fires and vehicles. This enables the Westland District Council to make bylaws covering vehicle speed on the foreshore.

The Police are responsible for controlling excess speed on the foreshore owned by the Crown.

**7.3.2 To recognise that some activities require exclusive occupation of the coastal marine area.**

**Principal reasons for adopting**

Some activities require occupation of the coastal marine area in order to be able to carry out the activity. Public access may be restricted due to safety concerns, through the need to ensure the security of the activity is not compromised, or for other reasons.

In order to provide for the social, economic and cultural well being of the West Coast's communities, the requirement to have exclusive occupation in some cases must be recognised, and where appropriate provided for. The ability to enhance access elsewhere in order to compensate for

the loss of access associated with the activity can be considered as a means of mitigating such loss. Some recreational or cultural activities require occupation and/or may restrict public access for short periods of time. These events must be considered in relation to the community benefits they provide.

**7.4.1 For activities seeking the right to occupy land of the Crown, in order to determine if the activity requires exclusive occupation consideration will be given to the reasons for seeking that exclusive occupation, and to any other practicable alternatives.**

#### **Explanation**

*Land of the Crown in the coastal marine area is a common property resource which is generally available for the use and enjoyment of all citizens. When considering the exclusive occupation of the coastal marine area by any activity, it is important to consider the need for the exclusive occupation and to consider any available practical alternatives in order to avoid unnecessary restrictions on public access.*

#### **Principal reasons for adopting**

Policy 4.1.6 of the New Zealand Coastal Policy Statement requires that consideration be given to any available alternatives and the applicants reasons for making the proposed choice when considering resource consent applications for the right to occupy land of the Crown within the coastal marine area.

**7.4.2 Public access to and along the margins of the coastal marine area will only be restricted where necessary:**

- (a) To avoid, remedy or mitigate adverse effects on sites of Poutini Ngai Tahu cultural and spiritual value; or**
- (b) To avoid, remedy or mitigate adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna, including whitebait habitat and Marine Mammal and Bird sites; or**
- (c) To avoid, remedy or mitigate adverse effects on Coastal Protection Areas or Outstanding Natural Features and Landscape areas; or**
- (d) To protect public health or safety; or**
- (e) To ensure a level of security consistent with the purposes of a resource consent; or**
- (f) In exceptional circumstances sufficient to justify the restriction.**

#### **Explanation**

*This policy recognises that it may be necessary to restrict public access in certain circumstances. When intending to gain access to the coast across private land the provisions of the Trespass Act 1980 will still apply. Before crossing private land the permission of the land owner should be obtained. Policy 4.1.5 of the New Zealand Coastal Policy Statement requires that the Plan provide for defence purposes. Use of the coast by the New Zealand Defence Force can pose some safety risks to the public, particularly when live munitions are used and it may be necessary to limit public access at such times.*

#### **Principal reasons for adopting**

Policy 3.5.1 of the New Zealand Coastal Policy Statement requires that the Plan recognise that public access may be restricted for the reasons contained in the policy. It is also consistent with the Regional Policy Statement.

**7.4.4** Alternative forms of access or compensation may be required to offset the loss of public access resulting from an activity in the coastal marine area.

#### **Explanation**

*Public access may be restricted as a result of the granting of a coastal permit. The WCRC requires existing public access to be maintained or enhanced where practicable. This policy provides for*

*restricting access in some circumstances by requiring alternative forms of access or compensation for the loss of access. This compensation may include the provision of esplanade reserves or strips or access strips to enhance access along margins of the coastal marine area. It may also include financial contributions towards the development of recreational facilities to improve public access to other areas.*

### **Principal reasons for adopting**

The enhancement of access in alternative locations, or the provision of other forms of compensation can provide mitigation against the loss of public access. It also allows development which restricts public access in certain circumstances, provided alternative forms of public access or compensation are available.

**7.5.1.4** Any activity involving occupation of the coastal marine area is a **discretionary activity** and a **restricted coastal activity** if it:

- (a) Would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or
- (b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- (c) Would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas.

Note: The difference between (a) and (c) is that (a) excludes public access while (c) restricts public access.

**7.5.1.5** Except as provided for by 7.5.1.1 - 7.5.1.4 any activity involving occupation of land of the Crown within the coastal marine area is a **discretionary activity**.

### **Principal reasons for adopting the Rules in Section 7.5.1**

The occupation of land and any related part of the coastal marine area can only occur if a resource consent is held, unless this Plan provides for that occupation (section 12(2)(a) of the Act).

Activities which do not restrict or exclude public access, or which only restrict or exclude that access for a limited time, are permitted by Rule 7.5.1.1 because of the minor effects of that restriction or exclusion and the benefits to the community resulting from such activities.

Uses and activities occupying Crown land in the coastal marine area at 30 September 1991 which were not authorised under previous legislation require a coastal permit unless this Plan provides otherwise. Giving these activities permitted activity status for two years under Rule 7.5.1.2 is an interim measure to allow for the compiling of an inventory of all uses and activities occupying Crown land in the coastal marine area, and for undertaking an assessment of the appropriateness of those uses and activities having regard to their effects on the environment and the principles and purposes of the Act.

If this Plan did not give such occupations permitted activity status, resource consent would be required, regardless of the scale of such occupations. It is an unnecessary and costly exercise to require all unauthorised occupiers to obtain consent until a full assessment of those occupations has been carried out.

Rule 7.5.1.3 permits the occupation of space by structures that have been made permitted activities in Chapter 8 of the Plan. This recognises that the occupation of space is a requirement for these structures and that any adverse effects associated with the occupation will be minor.

S1.9 of the First Schedule of the New Zealand Coastal Policy Statement requires that the occupation of space, as specified in Rule 7.5.1.4, is a restricted coastal activity.

In accordance with Rule 7.5.1.5, any other occupation of space requires a resource consent pursuant to S12(2)(a) of the Act.

## **8.2 ISSUES**

### **8.2.1 Structures in the coastal marine area may adversely affect sites of cultural significance within and adjacent to the coastal marine area.**

#### **Explanation**

Areas and sites of cultural significance hold a range of cultural values, the integrity of which can be damaged or destroyed by the placement of structures on or near such sites, resulting in the alienating of Poutini Ngai Tahu from places of waahi tapu and waahi taonga.

### **8.2.2 Structures in the coastal marine area are sometimes used for activities which could be located outside the coastal marine area while some activities have no practicable alternative other than to locate in the coastal marine area.**

#### **Explanation**

Structures in the coastal marine area may reduce the space available for public use, can reduce natural character and may have other adverse effects such as the loss of amenity values and loss of ecosystem values. This means the number of structures should be kept to a minimum by only allowing activities to locate in the coastal marine area where they have either an operational need to be located in the coastal marine area or there are no alternative areas in which to locate. These could include, but are not limited to: bridges, power cables, culverts and other structures associated with strategic road, power and rail networks which may need to be placed within the coastal marine area because of the constraints of the local topography.

### **8.2.3 Structures in the coastal marine area may adversely affect the natural character of the coastal marine area through sporadic development in undeveloped or semi-developed areas.**

#### **Explanation**

Coastlines where there are no or few structures have a different character to those where there are many structures. Under the Act the Council must preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

### **8.2.4 Structures in the coastal marine area may adversely affect ecosystem values within and adjacent to the coastal marine area.**

#### **Explanation**

Some ecosystem values such as penguin or fur seal breeding colonies would be particularly sensitive to new developments. The effects would arise not only from the placement and construction of a structure but from activities associated with the use of the structure.

### **8.2.5 Structures may cause undesired changes to the coastal processes acting upon the foreshore or seabed.**

#### **Explanation**

Structures may alter the processes which act upon the coastline. The effects of this may include reduced flushing of enclosed waterbodies, accelerated erosion or accretion, or altered currents. Because the understanding of the coastal process may be limited where a structure will be constructed it is appropriate to take a precautionary approach. This is consistent with Policy 3.3.1 of the New Zealand Coastal Policy Statement.

## **8.2.6 Structures in the coastal marine area may be adversely affected by possible sea level rise and other natural hazards.**

### **Explanation**

Structures in the coastal marine area can be exposed to a number of different hazards such as possible sea level rise, tsunami, and storms. These dangers should be considered when building a structure. Such consideration is consistent with Policies 3.4.2 and 3.4.6 in the New Zealand Coastal Policy Statement.

## **8.3 OBJECTIVES**

### **8.3.1 To recognise and provide for the values associated with the following areas when considering structures in the coastal marine area:**

- (a) Coastal Protection Areas; and**
- (b) Culturally Significant Areas; and**
- (c) Coastal Recreation Areas; and**
- (d) Coastal Development Areas; and**
- (e) Outstanding Natural Features and Landscapes; and**
- (f) Marine Mammal and Bird Sites.**

#### **Principal reasons for adopting**

Any structure in the coastal marine area may create adverse effects on values associated with these areas. These values should be recognised and provided for as they are important areas within the West Coast.

### **8.3.2 To preserve the natural character of the West Coast's coastal environment as far as practicable from the adverse effects associated with structures.**

#### **Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment and the protection of the coastal marine area from inappropriate subdivision, use and development. The New Zealand Coastal Policy Statement has a number of policies requiring this.

### **8.3.3 To minimise structures for activities which do not require a coastal marine area location.**

#### **Principal reasons for adopting**

To give effect to Section 6(a) of the Act which requires the preservation of the natural character of the coastal marine area and the protection of the coastal marine area from inappropriate subdivision, use and development. Also, to recognise the finite characteristics of the foreshore and make the most efficient use of the coastal marine area by limiting the use of structures in the coastal marine area to those activities which require a coastal marine area location.

### **8.3.4 To take into account the effects of coastal processes when considering structures in the coastal marine area.**

#### **Principal reasons for adopting**

Coastal processes acting upon the foreshore or seabed can be altered by structures placed in the coastal marine area to the extent that those processes affect the stability of structures and the shoreline in adjacent areas. Natural hazards, such as storms and possible sea level rise can damage structures within the coastal marine area. The careful design and planning of such structures in the coastal marine area which takes account of the coastal processes acting on the area should reduce the adverse effects associated with those processes.

**8.4.1 New and existing structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the natural character of the area.**

**Explanation**

*Structures in the coastal marine area will be required to be maintained in a structurally sound and tidy state and to blend as far as is practicable with the landscape to minimise their visual impact on natural character.*

**8.4.2 When undertaking coastal management functions (including the processing of resource consent applications) with regard to structures within the coastal marine area, consideration will be given to the discharge of contaminants, disposal of wastes, the reticulation of water and other required services associated with the structure.**

**Explanation**

*This policy is concerned with ensuring that provision is made for discharge of contaminants, disposal of wastes and the supply of adequate services associated with a structure located in the coastal marine area.*

**Principal reasons for adopting**

Consideration of the discharge of contaminants and the disposal of wastes associated with structures is necessary to promote integrated management. Policy 3.2.5 of the New Zealand Coastal Policy Statement states that development in the coastal environment should be conditional on the provision of adequate services, and that the adverse effects of providing those services should be taken into account when considering applications for resource consents. This policy also provides for integrated management with respect to development within the coastal marine area.

**8.4.5 Structures will only be allowed to locate in the coastal marine area where there are no practicable alternatives to locate the structure elsewhere.**

**Explanation**

*Any application for a resource consent to place a structure in the coastal marine area should demonstrate that all practicable alternatives to locating that structure in the coastal marine area have been considered and that there are no practicable alternatives to locate the structure elsewhere.*

**Principal reasons for adopting**

This policy is intended to avoid inappropriate development within the coastal marine area, as a matter of national importance.

**8.4.8 To consider the beneficial effects of structures which require location in the coastal marine area.**

**Explanation**

*Some beneficial effects may be gained from some structures in the coastal marine area, such as benefits for public access and recreation.*

**Principal reasons for adopting**

This policy recognises that structures, such as wharves, jetties, moorings and bridges that are located in the coastal marine area do provide benefits to people and communities and that they enable people and communities to provide for their social, economic and cultural wellbeing.

**8.5.1.7 Any activity involving the erection or placement of a structure or structures in the coastal marine area is a discretionary activity and a restricted coastal activity if:**

- (a) It would impound or effectively contain 4 hectares or more of the coastal marine area, excluding submarine or sub-aqueous cable, or floating or open piled structures which can be demonstrated to not impede water flows; or
- (b) It is solid (or presents a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous), excluding submarine or sub-aqueous cable, or floating or open piled structures which can be demonstrated not to have adverse effects; or
- (c) It is solid (or presents a significant barrier to water or sediment movement), and it is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs, and is in horizontal projection 100 metres or more in length), excluding submarine or sub-aqueous cable; or
- (d) It is for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.

Note: For the purposes of this rule, overhead lines, including telecommunication lines are not a Restricted Coastal Activity. This activity is a discretionary activity pursuant to Rule 8.5.1.8.

**8.5.1.8** Except as provided for by 8.5.1.1 to 8.5.1.4, any activity involving the erection or placement of a structure or structures in, on, under, or over any land in the coastal marine area is a **discretionary activity**.

#### **Principal reason for adopting Rules in Section 8.5.1**

The erection or placement of a structure on any foreshore or seabed in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed coastal plan, or a resource consent (section 12(1)(b) of the Act).

The erection or placement of any maimai will have minor adverse effects if the standards or terms are met.

Rule 8.5.1.5 is included because drop out (where a section of road has fallen away or is unstable) repairs of roads are an important safety consideration. Providing for this activity as a controlled activity (which means that a consent must be issued) recognises that repairs must be made, provides certainty to managers of the roading network and provides the Council with the ability to avoid, remedy or mitigate adverse effects on the environment through coastal permit conditions.

In Rule 8.5.1.3, permitting the erection or placement of small telecommunication and radio communication facilities on existing structures in the coastal marine area, recognises that there are minor adverse effects on the environment associated with this activity. There is no disturbance of foreshore or seabed and effects on natural character will be avoided because the structure is small and is being placed on existing structures.

Controlling the erection or placement of larger telecommunication and radio communication facilities on existing structures enables adverse effects on natural character to be avoided, remedied or mitigated.

The placement of submarine or sub-aqueous cables on the seabed and under the foreshore, outside of estuaries, lagoons or rivers within the coastal marine area as defined in Schedule 1, and outside of parts of Culturally Significant Areas that are waahi tapu, is a controlled activity under Rule 8.5.1.4. This approach provides certainty that the activity will gain resource consent but also enables adverse effects to be avoided, remedied or mitigated. This activity is discretionary inside estuaries, lagoons, rivers and parts of Culturally Significant Areas that are waahi tapu within the coastal marine area.

The whitebait fishery is a significant resource associated with the coastal marine area. Structures associated with whitebaiting require additional controls in order to avoid, remedy or mitigate any adverse effects arising from their construction and use.

S1.2, S1.3, S1.4, S1.5 of the First Schedule of the New Zealand Coastal Policy Statement require that the activities identified in Rule 8.5.1.3 are restricted coastal activities.

Any other activity involving the erection or placement of a structure is a discretionary activity in order that any adverse effects can be assessed and avoided, remedied or mitigated.

**8.5.2.2** The maintenance, alteration, replacement or reconstruction of a structure, or part of a structure, that is fixed in, on, under, or over any land in the coastal marine area, other than as specified in 8.5.2.1, is a **permitted activity** provided:

- (a) It does not result in a change to the overall dimensions or outline of the structure; and it does not significantly change the use of the structure; and
- (b) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure; and
- (c) The maintenance, alteration, replacement or reconstruction involves materials that are the same or similar in colour to the existing materials; and
- (d) No contaminants are discharged into the coastal marine area (this excludes diesel fumes); and
- (e) The activity does not result in increased impedance to water flow; and
- (f) Written notice of the proposed maintenance, alteration, replacement or reconstruction is given to the WCRC.

**8.5.3.1** The demolition or removal of any floating or open piled structure or any part of a floating or open piled structure that is fixed in, on, under, or over any land in the coastal marine area is a **permitted activity** provided:

- (a) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing the activity, where practicable, the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres: and
- (b) It results in the complete removal of the structure, as far as practicable, from the coastal marine area; and
- (c) The structure is no longer required, abandoned, unauthorised or unsafe; and
- (d) All material removed or demolished from the structure is removed from the coastal marine area; and
- (e) Prior written notice of the proposed demolition or removal is given to the WCRC; and
- (f) The structure is not a historic structure, or its demolition or removal does not disturb adjacent historic sites listed in the New Zealand Historic Places Trust Register for the West Coast.

**8.5.3.2** Except as provided for by 8.5.3.1, any demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over any land in the coastal marine area is a **discretionary activity**.

### **Principal reasons for adopting the Rules in Section 8.5.3**

The removal or demolition of a structure in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant regional coastal plan, or a resource consent (section 12(1)(b) of the Act). It is considered that the removal or demolition of any floating or open piled structure will have minor adverse effects if it complies with the matters specified. Any other activity involving the removal or demolition of a structure is a discretionary activity so that any adverse effects can be assessed.

### **9.3 OBJECTIVES (p.105)**

#### **9.3.4 To provide for activities which disturb the foreshore or seabed, where the adverse effects of such disturbances are minor.**

**9.5.3.6** Any disturbance of foreshore or seabed in the coastal marine area, in any 12 month period, and excluding maintenance dredging, is a **discretionary activity** and **restricted coastal activity** if:

- (a) It is in volumes greater than 50,000 cubic metres; or
- (b) Material is extracted from areas equal to or greater than 4 hectares; or
- (c) It extends 1,000 metres or more over foreshore and seabed.

Note: Maintenance dredging is a discretionary activity in accordance with Rule 9.5.3.7.

**9.5.3.7** Except as provided for by 9.5.3.1 to 9.5.3.6 any disturbance of foreshore or seabed is a **discretionary activity**.

#### **Principal reasons for adopting the Rules in Section 9.5.3**

The disturbance of the foreshore or seabed in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed coastal plan, or a resource consent (section 12 of the Act).

The clearing of an outfall pipe or culvert, required from time to time in response to shifting sands, is permitted by Rule 9.5.3.1, in recognition of the need to quickly clear any blockage to allow the outfall or culvert to operate.

Method 9.6.1.3 provides for consultation and establishes protocols between those agencies clearing blockages covered by Rule 9.5.3.1 and the Department of Conservation and the West Coast Fish and Game Council.

The clearance of natural material from a coastal structure is necessary for effective performance of some coastal structures, and the clearance of material will have only minor effects on the coastal marine area. Minor alterations or maintenance to permitted structures may result in minor disturbances to the foreshore and seabed and are best provided for as a permitted activity.

The disturbance of foreshore using a shovel and riffle box for the purpose of gold mining is permitted because it is considered that the adverse effects of this activity are minor.

S1.6 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities specified in Rule 9.5.3.6 are restricted coastal activities.

Any other activity involving disturbance of the foreshore and seabed is a discretionary activity under Rule 9.5.3.7, in order that any adverse effects can be assessed.

Driving vehicles and launching small vessels from trailers on beaches is not considered a disturbance in terms of Section 9.5.3. Hence, no authorisation is required to carry out this activity.

### **RULE**

#### **9.5.4 Deposition of sand, shingle, or other natural material (p. 115)**

**9.5.4.1** Any activity involving the depositing of any material on the foreshore or seabed in quantities greater than 50,000 cubic metres in any 12 month period in the coastal marine area is a **discretionary activity** and a **restricted coastal activity**.

**9.5.4.2** Except as provided for by 9.5.4.1, any activity involving the deposition of sand, shingle, or other natural material in the coastal marine area is a **discretionary activity**.

**Principal reasons for adopting the Rules in Section 9.5.4** S1.7 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities described in Rule 9.5.4.1 are

restricted coastal activities. Any other activity involving the deposition of sand, shingle, or other natural material is a discretionary activity under 9.5.4.2, in order that any adverse effects can be assessed.

### **10.5.7 Discharge of water or other contaminants**

10.5.7.1 Except as provided for by rules 10.5.1.1 through to 10.5.6.7 or national regulations, the discharge of water or contaminants to the coastal marine area is a **permitted activity** provided the discharge is:

- (a) Water which will not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius; or
- (b) Non-toxic tracer dye; or
- (c) Cooling water free of process or waste substances and which would not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3° Celsius; or
- (d) Continually flowing water which has been used for holding live sea organisms and which has had no other contaminant added to it.

Note: In section (a), water means “water that is free from contaminants”. Refer to the Glossary for a full definition.

*Cross Reference:*  
*Glossary.*

10.5.7.2 Except as provided for by 10.5.7.1, the discharge of water or contaminants into the coastal marine area is a **discretionary activity**.

## **13.2 ISSUE**

### **13.2.1 Exotic and introduced plants may adversely affect:**

- (a) Coastal ecosystems; or
- (b) Sites of cultural significance; or
- (c) The natural character and amenity value of areas within and adjacent to the coastal marine area; or
- (d) Coastal processes acting upon the coastal marine area.

#### **Explanation**

The introduction or planting of introduced or exotic plants into an area can cause the displacement of indigenous flora and the loss of habitat for indigenous fauna. They can also invade areas of cultural significance.

The physical appearance and growth of such plants can result in the loss of amenity values and the loss of the natural character of an area as indigenous coastal plants and habitats are displaced. The plants can also affect natural physical coastal processes acting in estuarine and shallow water areas by retaining silt and leading to the gradual reclamation and loss of foreshore and seabed areas.

## **13.3 OBJECTIVE**

- ### **13.3.1 To avoid, remedy or mitigate adverse effects associated with the introduction or planting of exotic or introduced plants on:**
- (a) Coastal ecosystems; or
  - (b) Sites of cultural significance; or
  - (c) The natural character and amenity value of areas within and adjacent to the coastal marine area; or
  - (d) Coastal processes acting upon the foreshore and seabed.

### **Principal reasons for adopting**

To avoid, remedy or mitigate adverse effects on the matters listed in the objective. This approach is consistent with Part II of the Act and recognises and provides for several matters of national importance outlined in Section 6 of the Act.

#### **13.4.1 To consider potential adverse effects and the need for any proposed introduction or planting of any exotic or introduced species into the coastal marine area.**

##### **Explanation**

*The introduction or planting of any introduced or exotic plant has the potential to result in adverse effects, such as the displacement of indigenous flora and fauna and the alteration of coastal processes. These potential adverse effects, and the need for introducing or planting any introduced or exotic plant, will be taken into account when undertaking coastal management functions.*

##### **Principal reason for adopting**

Policy 3.3.1 of the New Zealand Coastal Policy Statement requires that a precautionary approach be taken to proposed activities with effects as yet unknown or little understood. Consideration of the need for any introduction or planting of any introduced or exotic plant, and consideration of the potential for adverse effects arising from that activity, recognises that principle.

**13.5.1.2** The introduction or planting of any exotic or introduced plant (which is not a pest plant) in the coastal marine area where the plant is not already present is a **discretionary activity** and a **restricted coastal activity**.

**13.5.1.3** The introduction or planting of any exotic or introduced plant (which is not a pest plant) in an area where the plant is already present is a **discretionary activity**.

### 3.9.12 Values and Issues of Specific Areas of Bluff Harbour and Awarua Bay

The following list of values and issues are for specific areas of Bluff Harbour and Awarua Bay. Bluff Harbour and Awarua Bay are considered to be of high educational value. Highlighting the values and issues of this area will identify the educational opportunities provided by the harbour and bay. Values:

- (i) The port area is located adjacent to the township of Bluff and includes Tiwai wharf which services the Aluminium Smelter. The facilities contained in this area are economically important to all of the Southland region.
- (ii) Commercial port activities co-exist with several recreational facilities. The Bluff Yacht Club, Awarua Rowing Club and Sea Scouts have bases adjacent to the port, and there are also public boat ramps.
- (iii) Bluff Harbour provides a significant vista to much of Bluff township, passersby on State Highway 1, the many travellers who make a special trip to the southern end of State Highway 1 at Stirling Point, Bluff, and the top of Bluff Hill.
- (iv) Some experimental marine farming activity is taking place.
- (v) Mooring areas opposite the Greenpoint Yacht Club.
- (vi) There are several sites within the harbour which are of special historical or spiritual significance to the takata whenua.
- (vii) Shellfish gathering and recreational fishing is widely undertaken within the entire harbour.
- (viii) The entire harbour is used for either organised or casual sailing, or small boating activity operating from boat ramps located at Bluff or south-west of the causeway, and Awarua Bay.
- (ix) The beaches located between the town wharf and Stirling Point are popular for recreational activity.
- (x) Water quality is perceived to be very good within the harbour, although there is little evidence to confirm, or otherwise, this perception.
- (xi) Awarua Bay, particularly east of Muddy Creek and around Cow Island, is a nationally important bird habitat, particularly for trans-equatorial migrant birds. The endangered Stewart Island sub-species of the New Zealand Dotterel overwinters in the area. Awarua Bay is also a popular waterfowl area, particularly for black swans.
- (xii) Wildfowl hunting is relatively unpopular on Bluff Harbour compared with other estuaries or harbours in Southland.
- (xiii) The harbour provides nursery habitat for flounders, and presumably other marine species.

Issues:

- (i) Abandoned structures can be visually unattractive, and a threat to public safety and property.
- (ii) In the past, some concern has been expressed by the owners of recreational craft over the practice of storing crayfish or cod pots on the seabed.
- (iii) Oil spills threaten the amenity values and ecosystems within the area, to the detriment of recreational, food gathering, and aquacultural values.
- (iv) Port facilities and activities can affect the natural values of the harbour, water quality, amenity, views and noise.
- (v) Marine farming activity in Bluff Harbour and the eastern part of Awarua Bay could adversely impact on water quality, significant habitats of indigenous fauna, landscape, tranquillity, and recreational values of this area.
- (vi) Spread of *Spartina* through drainage channels in Mokomoko Inlet, Bluff Harbour and Awarua Bay.

#### Objective 4.2.1 - Need for coastal location

**To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.**

**Explanation** - The coastal marine area is public space and as such it should generally be available for use to all people. However, there are some activities and developments that require a coastal marine area location, and have an operational necessity for the exclusive or preferential occupation of space within that area. This objective seeks to ensure that unnecessary activities and development are excluded from the coastal marine area.

In the absence of a full understanding of coastal processes and the effects of activities and developments taking place in the coastal marine area, it would be over-restrictive to exclude use and development altogether. Rather, judgement is required as to whether it is appropriate to allow some activities and development within the coastal marine area. Monitoring may also be necessary to assess the actual effects that take place.

#### **Policy 4.2.1 - Justifying coastal location**

**Require that proposals for uses and developments in the coastal marine area justify the functional necessity for that location or demonstrate that there is no practicable alternative location outside the coastal marine area.**

**Explanation** - (This is Policy 13.26 from the Regional Policy Statement). Principles 1 and 2 of the New Zealand Coastal Policy Statement stress that some activities require a coastal location and that the protection of values need not preclude appropriate use and development. Uses and developments locating in the coastal area could have the effect of precluding other activities from locating there. It is therefore important to consider what are the appropriate activities to locate there. In determining what is appropriate use and development, consideration is required as to those uses and developments which actually require a coastal location. In some instances it would be appropriate to utilise adjoining land areas, or areas in another location altogether.

Associated with establishing a functional necessity, it is appropriate that consideration also be given to alternatives that may exist or be available. In some instances, it may be a more efficient use of resources to use an alternative approach, thereby managing the remaining coastal resource in a sustainable manner. The use of an existing or proposed public facility or shared use of an existing or proposed private facility are alternatives to the establishment of another facility to serve the same purpose.

Minimising or reducing the number of structures in the coastal marine area will help prevent unnecessary alienation of the coastal marine area from use by the public. This Policy will clarify what is an appropriate allocation of coastal space and which uses have priority in terms of Principle 4 of the New Zealand Coastal Policy Statement. *See also Section 9.1*

#### **Policy 4.2.2 - Consideration of alternatives**

**Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.**

**Explanation** - Associated with establishing a functional necessity in terms of Policy 4.2.1, it is appropriate that consideration also be given to other alternatives that may exist or be available. In some instances, such alternatives may better achieve the purpose of the Act to use an alternative approach. Policy 4.1.6 of the New Zealand Coastal Policy Statement requires that applications for coastal permits for reclamations, the removal of sand, shingle, shell or other natural materials for commercial purposes and for the rights to occupy in the coastal marine area, shall have regard to available alternatives and provide the reasons for the proposed choice. For example, the use of an existing or proposed public facility or shared use of an existing or proposed private facility may be preferable to the establishment of another facility to serve the same purpose. *See also Sections 9, 10, 11 and 12*

#### **Policy 4.2.3 - Minimising size**

**Minimise the size of structures and development in the coastal marine area.**

**Explanation** - Where it has been shown that there is a functional need for a structure or development to be located within the coastal marine area, and that other alternatives are not appropriate, then consideration is required as to the scale of the operation, to ensure that the minimum of area reasonably required is used. Setting aside too great an area can adversely impact upon the use and enjoyment of the coastal marine area for other purposes. It is important to ensure that activities utilise space efficiently so that other activities are not unnecessarily constrained or prevented from occurring.

Minimising the size and scale of structures in the coastal marine area will help prevent unnecessary alienation of the coastal marine area from use by the public and will help to avoid

cumulative effects on natural character, ecosystems, and amenity. *See also Sections 5.8, 9.1 and 11*

#### **Policy 4.4.3 - Priority to compatible multiple use**

**Give priority to compatible multiple use rather than setting aside areas for specific purposes.**

**Explanation** - Where activities compete for the same area, and are compatible, then provision for multiple use is appropriate. In some instances, however, separation is required. This may require exclusive use, or preferential use. Multiple use of the coastal marine area enhances public enjoyment and opportunity as there are more people obtaining greater use and enjoyment from the same area.

This Policy embodies Principle 5 of the New Zealand Coastal Policy Statement 1994 and further defines the priorities referred to in Principle 4.

*See also Section 17*

#### **Policy 4.6.1 - Concentrate compatible activities**

**Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area.**

**Explanation** - The need to intrude into new areas will need to be clearly established before taking place. The natural character of the coastal environment will be better protected if the areas where uses and developments are undertaken are kept to a minimum. Sprawl arises when concentration is not encouraged, resulting in reduced amenity and natural character. Location with compatible activities should be considered before alternative sites elsewhere in the coastal marine area. This policy and the objective it stems from seek to implement the provisions of Section 3.2 of the New Zealand Coastal Policy Statement to maintain and enhance amenity values in the coastal marine area.

#### **Policy 5.3.2 - Open space values**

**Maintain and enhance open space values of the coastal marine area.**

**Explanation** - This Policy is derived from Policy 3.1.3 of the New Zealand Coastal Policy Statement. It is directed towards the open space values of sites and of areas, as well as the quality of views of, or from, the coastal marine area. Coherent panoramas of open space are important amenity features, particularly in areas such as Fiordland and estuarine areas.

Furthermore, open space values generally, are an important element in the natural character and amenity of the coastal marine area and the wider coastal environment. Open space also attributes to the public's enjoyment of the coastal marine area.

*See also Section 5.2*

#### **Objective 5.4.2.1 - Introduction of Plant Species**

**To avoid the introduction of plant species, including phytoplankton, into the coastal marine area in circumstances that could result in adverse environmental effects.**

**Explanation** - Before deliberately introducing any plant species to parts of the coastal marine area, an assessment of their potential adverse effects needs to be undertaken to ensure that such introduction will not be to the detriment of the existing environment. It is very difficult to eradicate unwanted plants from the coastal marine area once they have been introduced and established. The transport of plant species, including phytoplankton, in ballast water, or as hull attachments, is a matter of international concern given the potential consequences for the ecology of the coastal marine area. This issue is being addressed at an international and national level.

#### **Policy 5.4.2.1 - Introduction of new plant species**

**Prevent the introduction of any new plant species where information relating to that species indicates that its introduction is likely to adversely affect indigenous vegetation or indigenous fauna, alter coastal processes or natural character.**

**Explanation** - Introductions of new plant species may lead to profound ecological changes. They could affect the region's vegetation and fauna and may become a major threat to the physical and biological processes in coastal ecosystems. An example of possible adverse effects on physical processes would be the introduction of a new species of marine grass in shallow areas. If this grass grows thickly and covers large areas, it could increase sedimentation rates and in turn affect existing biota that have adapted to lower levels of sediment. The introduction of a new plant species can cause biological changes, particularly if the new species

is an aggressive coloniser that out-competes existing indigenous species resulting in their local extinction or displaces marine vegetation that is of importance as a nursery area for juvenile marine species.

More aggressive colonising species may out-compete indigenous species and cause changes that have major effects on the functioning of the ecosystem. This can also have adverse economic effects on industries dependent on the coastal marine area. Recreation activities can also be affected. A local example of an introduced species is the algae at Deep Cove, *Rhodoglossum lanceolatum* commonly known as Wanganella weed. It is believed that this algae was introduced by the "Wanganella," a vessel used as a floating hostel at Deep Cove, during the construction of the Manapouri Hydro-Electric Scheme. Where there is insufficient information to determine whether a new plant species will not give rise to adverse effects on indigenous vegetation or indigenous fauna, it is appropriate to adopt a precautionary approach and either make a decision on the basis of available information where that is prudent or await the collection of further information

#### **Objective 5.4.3.1 - Introduction of exotic fauna**

**To avoid the introduction of fauna into the coastal marine area in circumstances that could result in adverse environmental effects.**

**Explanation** - Before deliberately introducing any fauna to parts of the coastal marine area, an assessment of the adverse effects it may cause needs to be undertaken. This is to ensure that the introduction of this new species will not be to the detriment of the existing environment. It would be very difficult to eradicate introduced fauna from the coastal marine area once they have been introduced and established.

Exotic fauna may result in unforeseen effects in the coastal marine area, such as aggressive competition with indigenous species for habitat and food, changes in the food chain and genetic pollution. Destruction of habitats can alter coastal processes and increase the risk of erosion. The natural character and intrinsic value of ecosystems may also be adversely affected. The natural character, life-supporting capacity and intrinsic value of ecosystems may also be adversely affected.

#### **Policy 5.4.3.1 - Introduction of exotic fauna**

**Prevent the introduction of exotic species of fauna where information relating to that species indicates that its introduction is likely to adversely affect:**

**a indigenous vegetation; or**

**b indigenous fauna; or**

**c alter coastal processes; or**

**d natural character; or**

**e life-supporting capacity of ecosystems.**

**Explanation** - Introductions of new fauna species may lead to profound ecological changes. They could affect the region's vegetation and fauna and may become a major threat to the physical and biological processes in coastal ecosystems. The introduction of a new organism can cause biological changes, particularly if the new organism is an aggressive coloniser that out-competes existing indigenous species resulting in their local extinction, or grazes on marine vegetation that is of importance as a nursery area for juvenile marine species.

More aggressive colonising species may out compete indigenous species and cause changes that have major effects on the functioning of the ecosystem. This can also have economic effects on industries dependent on the coastal marine area. Recreation activities can also be affected.

#### **Rule 5.4.3.1 - Introduction of exotic fauna and indigenous fauna not of local genetic stock**

**Except as provided for in Rule 5.4.3.2 the deliberate introduction of exotic fauna, and of indigenous fauna not sourced from the Southland region, is a discretionary activity.**

**Explanation** - The introduction of exotic fauna and indigenous fauna not of local genetic stock needs to be assessed fully to consider all the possible effects such introduction would have on the receiving environment. The introduction of exotic fauna refers to non-indigenous organisms, including: fish such as salmon, animals, including both vertebrates and non-vertebrates such as starfish, shellfish, prawns etc.

This Rule applies whether or not the exotic fauna would be caged or released. Where introduced indigenous fauna have not been sourced from the Southland region, there is a risk that along with the organism being introduced there may be microscopic stages of unwanted

organisms such as Undaria and Pacific oyster. These unwanted organisms pose threats to significant habitats of indigenous species.

**Rule 5.4.3.217 - Introduction of exotic fauna, and indigenous fauna not of local genetic stock, into the coastal waters of Stewart Island, Fiordland and their offshore islands Except as provided for in Rules 15.1.1 to 15.1.4, the deliberate introduction of exotic fauna and indigenous fauna not sourced from the Southland region into the coastal waters of Stewart Island (as shown on Figure 5.4.3.1) and the coastal marine area of Fiordland, and offshore islands, is a non-complying activity.**

**Explanation** - Stewart Island, Fiordland, and their offshore islands are unique with high natural character, amenity and intrinsic values, as well as providing significant areas of indigenous vegetation and significant habitats for indigenous fauna. The ecological integrity of these areas should not be put at risk from further introductions of exotic fauna.

Rule 15.1.1 provides for marine farming of new or additional species in existing farms as a discretionary activity. Rules 15.1.2 and 15.1.3 and 15.1.4 provide for marine farming in internal waters of Fiordland, in marine reserves and in Awarua Bay east of the Tiwai Causeway as a prohibited activity.

### **Policy 6.1.3 - Recognise and protect the values of estuaries**

**To recognise and protect the values that estuaries provide.** **Explanation** - Estuaries are quite different to other parts of the coast and as such provide different values. Apart from their habitat values, estuaries being generally shallow and relatively sheltered, are important recreational areas and potentially valuable for aquaculture. *See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15*

### **Objective 7.2.2.1 - Maintenance of coastal water quality**

**To maintain the quality of coastal waters in those areas where ambient water quality is suitable for:**

**a contact recreation; b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination; c the health and vitality of aquatic ecosystems; and**

**d a fishery, including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination: and except for the area described in Objective 7.2.2.3, to enhance the quality of coastal waters in areas where ambient water quality has been degraded, to a level which is suitable for:**

**a contact recreation;**

**b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;**

**c the health and vitality of aquatic ecosystems; and**

**d a fishery including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination by the year 2020.**

**Explanation** - The value of being able to gather shellfish and swim in coastal waters is often not appreciated until such a time that the water quality degrades to the point where these activities can no longer be safely undertaken. The achievement of water quality that will allow for contact recreation and the consumption of fish and shellfish will also enhance other ecological and recreational values. For example, the experience of walking along the coastal margins will be enhanced by improved aesthetics and the increased diversity and population of birds.

Contact recreation and shellfish standards are parameters which address some forms of contamination but significant pollution can also occur without affecting these values, for example, nitrates and phosphates. In excess amounts, these contaminants will, however, impact upon aquatic ecosystems to the detriment of the overall mauri and health of a waterbody.

The practical effect of the above objectives and following policies is to require all waters of the region to be classified to protect the values the public places on coastal waters. Those values are principally the ability of coastal water to provide a healthy environment for aquatic life and to be used as a source of food for human consumption. A classification is an expression of the

region's management objectives for its coastal waters. Objectives encompass effects of point and non-point source discharges.

In classifying the region's waters, the Southland Regional Council is mindful of Section 69(3) of the Resource Management Act which states that: *"Subject to the need to allow for the reasonable mixing of a discharged contaminant or water, a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so"*. See also Sections 6 and 7.2.3

### **Objective 7.2.2.3 - Enhancement of coastal water quality in Halfmoon Bay, Stewart Island**

**To enhance the quality of coastal waters in Halfmoon Bay, Stewart Island to a level which is suitable for:**

**a contact recreation;**

**b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;**

**c the health and vitality of aquatic ecosystems; and**

**d a fishery, including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination; by the year 2005.**

**Explanation** - Water quality in Halfmoon Bay has been adversely affected by past discharges into the bay. It is unlikely that a NS classification could be achieved in the bay during the life of this plan because of the level of stormwater contamination that continues to be discharged. However, water quality in the bay has improved since the sewerage scheme for Oban township became operational. Results from 1998/99 monitoring show that water in the bay now meets recreational bathing guidelines. The high use, particularly for fishing, the fish processing industry, and tourism value of this area justify giving priority to enhancing its water quality. See also Sections 6 and 7.2.3

### **Rule 7.3.2.5 - Discharge of dead farmed marine organisms away from the shore and internal waters**

**The discharge of dead farmed marine organisms into the coastal marine area where that discharge:**

**i is not within internal waters; and**

**ii is not within 1,000 metres of mean high water spring;**

**is a permitted activity.**

**Explanation** - Accidents and natural events periodically necessitates the urgent disposal at sea of dead farmed marine species. However, the discharge of fin fish carcasses or other dead farmed marine organisms can result in material floating on the surface, suspended in the water column, depositing on the foreshore, depositing on the seabed and smothering vegetation and fauna, and emitting unpleasant odours. Such discharge may also attract predators. These discharges of dead farmed marine species should therefore only be permitted in open coastal water where its effects are minimised.

See also Section 10.2.

### **Rule 7.3.2.6 - Discharge of dead farmed marine organisms in internal waters or close to shore**

**Other than provided for by Rule 7.3.2.5, the discharge of dead farmed marine organisms into the coastal marine area, is a discretionary activity.**

**Explanation** - An event such as an algal bloom can lead to the need for marine farms to dispose of whole fish or other farmed marine organisms that have died. In areas close to the shore or in the internal waters of Southland, as indicated on Figure 7.3.2.1, the discharge of fin fish carcasses or other dead farmed marine organisms into the required in order for the effects of the discharge to be fully assessed.

Contingency plans for the discharge of dead farmed marine species should be developed at the time of consent application, for marine farming. There should be no need to dispose of farmed marine organisms at sea, in bulk, but where this is necessary then this is provided for by Rule 7.3.2.5. The resource consent procedure enables the adverse effects of the discharge to be considered. This includes an evaluation of whether any disease present in the remains could be contracted by other species that may come into contact with the remains. Any discharge of this type would also need to be evaluated along the same terms as the discharge of waste products of marine species described in the rules above. Such discharges should only occur when and

where there is an appropriate tide and water volume to take the waste into open coastal waters to prevent it from being washed back onto the foreshore.

#### **Policy 7.3.8.1.1 - Feeding of farmed species**

**Encourage the efficient application of nutrients discharged to the coastal marine area as a food source.**

**Explanation** - Unless food fed to farmed species is efficiently applied to target species, there is potential for surplus food to accumulate and decay, resulting in the depletion of dissolved oxygen and giving rise to other contaminants. Additionally, the volume of uneaten food could have a smothering effect on benthic vegetation and fauna. A nitrogen monitoring system is currently being used by some operators to manage appropriate quantities of food for the farmed species.

#### **Policy 7.3.8.1.2 - Health product usage of farmed species**

**Encourage the efficient application of fauna health products (such as antibiotics and vitamins), for the target farmed species in the coastal marine area.**

**Explanation** - Health products given to farmed species need to be efficiently applied to maximise consumption by these species and minimise deposition of the product. Unless this happens, there is potential for health products to accumulate, decay or be absorbed by indigenous vegetation and fauna in the area surrounding the farmed species. This could alter the natural functioning of the ecosystem of which the vegetation and fauna are part.

#### **Rule 7.3.8.1.1 - Applying fauna health products and feeding of nutrients to vegetation and fauna**

**The application of fauna health products and the feeding of nutrients to vegetation and fauna within the coastal marine area, is a discretionary activity.**

**Explanation** - Some forms of marine farming involve feed-stock and the application of antibiotics or other fauna health products. Where this occurs, there is a potential for uneaten food, fauna health products, and faeces to deposit and build up on the sea floor. This can give rise to adverse environmental effects upon biota immediately under the farm, and to other biota in the vicinity. Feed-stocks that contain nitrogen, or chemical additives for example: food colourings, microbial inhibitors, bulking agents, antioxidants are of particular concern in this regard. It is important to understand the fate of all contaminants in the marine ecosystem, including the persistence of the product and the effects it has in the receiving environment.

#### **Policy 9.1.4 - Minimise areas of exclusive occupation**

**Limit the area of exclusive occupation to that necessary to undertake the activity for which the right to occupy is needed.**

**Explanation** - Exclusive occupation alienates public space from public use. Given the public expectation of use, exclusive occupation should only be granted where absolutely necessary. Some activities, especially marine farming, start on a small scale and grow to fill the consent area. In the transitional period the public should have an opportunity to use the area not being occupied. With some marine farming, there is an element of experimentation involved. Greater areas may be required in the foreseeable future than is immediately necessary. This needs to be provided for but not at the cost of other potential users who may wish to utilise proven aquacultural techniques. Other uses, such as reclamations, are likely to permanently exclude public access to and along the coastal marine area. The size of the area where public access is restricted or excluded, and the reasons for these restrictions, should be fully justified.

#### **Rule 9.1.5 - Scientific instruments and supporting equipment permitted**

The exclusive occupation of the coastal marine area by instruments of a scientific nature, and any supporting equipment are a permitted activity, provided that:

- a the occupation period does not exceed three months; and
- b the total size of the equipment does not exceed 2 metres in length, 2 metres in width, and 1.5 metres in height.

**Explanation** - In some circumstances, it is appropriate to permit some exclusive occupation of the coastal marine area for scientific purposes. In instances where the equipment and instruments proposed will be present for a comparatively short time, and where they do not exceed a certain size, the effects will be no more than minor.

As part of resource consent approvals, there is also a need to undertake monitoring of the environment. Where such monitoring is required, the issue of where monitoring should be located will be assessed. In some cases, the consent given will enable the monitoring equipment to be installed. In other cases, such as where a new structure is necessary, a separate consent may be required.

### **Policy 9.1.6 - Duration of rights to occupy**

**Limit occupation rights to a period that will satisfy the immediate foreseeable needs of the activity.**

**Explanation** - While it is recognised that some certainty is required in respect of rights to occupy, it also needs to be recognised that at a later date the same area may be required for a use which either has a greater need for the location or provides greater public benefit. Therefore, in the interest of efficient use of the coastal marine area, keeping options open for use by the greater public or activities of greater public benefit in the future is important. In the past, explorative or experimental activities have ceased operations due to lack of financial viability but have retained their right to occupy the site while doing nothing to remedy or mitigate the adverse effects caused by their activity and their occupation rights over the site. This policy aims to prevent repetition of this type of situation.

Duration of consent may also vary with certainty of the environmental effects and the extent to which the applicant can avoid, remedy or mitigate these effects. Initially, a short term consent may be granted. This would facilitate ongoing review of the effects of the activity. In such instances, the period of occupation should be compatible with the period required to ascertain the environmental effects of the activity more precisely.

### **Policy 9.1.9 - Coastal occupation charging regime**

**Apply a coastal occupation charging regime to persons who occupy Crown land, to the full or partial exclusion of others, in the coastal marine area of Southland.**

**Explanation** - Section 64A(1) of the Resource Management Act 1991 (RMA) provides the Regional Council with the option of including a coastal occupation charging regime in the Regional Coastal Plan. Section 401(A)(3) provides for the Regional Council to change a proposed regional coastal plan before 1 July 1999 without complying with Section 64A. The Regional Council considers that a charging regime should be included for the following reasons:

- the preferential or exclusive occupation of Crown land in the coastal marine area is a privilege, not a right. Occupation by private individuals can adversely affect public access to, and use of, the coastal marine area. Exclusion or restriction of the public, from publicly owned land, corresponds to a loss of public benefit in terms of access. On the other hand, those that occupy coastal space gain a private benefit from the exclusive or preferential use of what is essentially a public resource. It is reasonable, therefore, to charge those who enjoy the privilege of occupying public space, if the revenue generated is used for the sustainable management of the resource and to compensate the public for their loss of access;
- Section 64A(5) of the RMA requires that money received from the charging regime must be used only for promoting the sustainable management of Southland's coastal marine area. The public will therefore be compensated through sustainable management initiatives aimed at improving public access and enjoyment in the coastal marine area. These and other management activities, which would not generally be funded by rates, will be enabled by the charging regime. In this respect, the charges are consistent with the purpose of the RMA, as well as in line with the user pays philosophy of the Council's Funding Policy;
- the charging regime effectively continues with charges (coastal rentals) that have been in place for a number of years, but with important differences. First, coastal occupation charges can be waived on those occupations that enhance public access or have no adverse effect on public access, rather than applying "across the board" to all coastal occupations. Second, the money generated will be spent in the coastal marine area of Southland, instead of going into a consolidated Crown fund.

### **Rule 9.1.12 - Exclusive or preferential occupation**

**Except as provided elsewhere in the Plan, exclusive or preferential occupation of Crown land in the coastal marine area is a discretionary activity.**

**Explanation** – Exclusive or preferential occupation alienates the public right to use the coastal marine area. Use and development within the coastal marine area that seeks exclusive or preferential occupation will be required to demonstrate why exclusivity is required, and why that use and development is incompatible with other uses and development that may already be established. *See also Sections 4.4, 5.5, 14.1 and 14.2*

### **Policy 10.2.4 - Deposit/discard dredging material from the coastal marine area onto similar materials**

**Dispose of dredging spoil from the coastal marine area onto similar substrate in the coastal marine area.**

**Explanation** - Depositing/discard dredging materials from the coastal marine area onto similar substrate, for example, mud onto mud in the coastal marine area should have less effects on the receiving environment than would be the case if the dredged material was totally out of character with the existing substrate.

*See also Sections 11 and 11.8*

### **Policy 10.2.7 - Deposition of organic material**

**Avoid, wherever practicable, remedy or mitigate the adverse effects of the deposition of organic material from activities occurring in the coastal marine area, on the seabed or foreshore.**

**Explanation** - This policy recognises and seeks to maintain the complexity and inter-connectedness of species and habitats within the coastal marine area and other parts of the marine environment.

Deposition of organic material in the benthos can have chemical, physical and biological effects. This can result in effects such as the smothering of existing biological communities, habitat loss and changes in species diversity, abundance and community composition. Toxic effects can arise from deposition of some organic materials and bioaccumulation of toxic substances can occur within the food chain, over time. Toxic effects may be sub-lethal and may affect species robustness without necessarily causing death.

The effects are not just restricted to the immediate environment. Many marine species have a pelagic larval stage, nursery stage and adult stage. Each stage occupies different and spatially diverse habitats. If deposition affects the habitat of one life stage, it not only affects the immediate area but may also affect populations in other areas.

The effects of any deposition of organic material need to be considered both spatially and temporally. While initial deposition activity may create a specific and measurable effect, it may also lead to secondary deposition in the form of silt accumulation. Silt accumulation can result from a change in coastal processes caused by the initial deposition e.g. lower water velocities and increased sedimentation. These cumulative effects and the cumulative effects of all activities occurring in an area need to be considered.

*See also Section 5.4*

### **Rule 10.2.4 - Deposition of material on the seabed**

**Except for materials described in Rules 10.2.1, 10.2.2, 10.2.6, 10.2.7 and 7.3.5.1, deposition of material on the seabed, from activities occurring in the coastal marine area, is a discretionary activity.**

**Explanation** - Deposition may result in any of the following:

- accelerated sedimentation;
- smothering of indigenous vegetation and fauna;
- an alteration to substrate type due to accumulation of deposited material;
- chemical reactions between the deposited material and the receiving environment that result in biotransformation and/or chemical transformation producing more noxious residuals;
- non-compliance with water quality classification standards outlined in Rule 7.2.2.1 and, where applicable, Rule 7.2.2.2;
- an increase in volume of decomposition gases such as H<sub>2</sub>S, CH<sub>4</sub>, NH<sub>3</sub>;
- an alteration in biodiversity;
- loss of existing habitat;
- an alteration in water circulation patterns.

While many of the above effects may occur naturally, there is a need to address human acceleration of these effects. This Rule provides a process for considering the effects of human initiated deposition activity on the seabed. Deposition can have major impacts on the biota within the coastal marine environment. It can cause changes physically and chemically leading to biological change. Organisms that have adapted to specific habitats can not adjust to the sudden changes resulting from deposition. This may lead to the displacement of some species and an alteration of community composition.

There is a specific concern regarding the effects of deposition on benthic ecosystems. There is also concern regarding effects of chemical reactions between the chemical components of the material being deposited and the chemical components and the biota of the receiving environment.

The disposal of contaminated material, obtained from dredging or excavations within the coastal marine area, into another part of the coastal marine area needs to consider the effects of disposal on the receiving environment. This includes the effects on marine life and coastal processes. Contaminated material can, for example, come from material dredged near wharves or from the mouths of watercourses that have principally urban catchments. It may be inappropriate to dispose of contaminated material removed from one part of the coastal marine environment into another part.

Where one area is deemed appropriate for receiving contaminated material, another seemingly similar site, may not be. Alternatives need to be considered, including land-based facilities.

**Policy 11.2.1 - New structures and extensions to existing structures**  
**Avoid, wherever practicable, remedy or mitigate any adverse effects associated with the presence and construction of new structures, and extensions to existing structures, in the coastal marine area.**

**Explanation** - There are many adverse effects that structures can have on the coastal marine area. In some instances, certain types of structures will be inappropriate, while in others they may be acceptable provided they are designed and constructed to take into account the nature of the environment in which they are located. Any adverse effects will be avoided wherever practicable in the first instance, and remedied or mitigated where complete avoidance is not practicable. As Section 4.6 of the Plan notes, concentration of compatible activities in areas of existing use is preferred to using undeveloped areas in the coastal marine area.

*See also Sections 4.2, 4.6, 5.3, 11.4, 11 and 20*

**Policy 11.2.2 - Temporary rather than permanent structures**

**Encourage temporary structures in the coastal marine area where permanent structures are not necessary.**

**Explanation** - If structures are only needed for a short time or for a small part of the year on an annual basis, they should be removed when not needed wherever practicable, to reduce adverse effects on visual amenity, natural character and navigation safety. (This policy is not applicable to whitebait stands that are covered by policies and rules in Section 11.7).

*See also Sections 5.3, 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10, 11.8*

**Policy 11.2.3 - Public benefit**

**In considering the use and development of the coastal marine area, preference will be given to structures that provide public benefit.**

**Explanation** - Where a preferential use is proposed, it is preferable that the public right to use that space remains even though the potential uses may change. In this way, the public can benefit from the structure as well as the owner. Public benefit may include direct public benefits, such as access to or use of a facility provided by the structure, or provision of a service or indirect benefits, which contribute to the community's social or economic well-being.

*See also Sections 4.2, 4.4, 4.5, 9 and 1*

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**Policy 11.2.5 - Structures to be marked**

**Structures that could cause an impediment to safe navigation and are not readily visible shall be marked and/or lit in a manner that indicates the extent of the structure.**

**Explanation** - Some structures close to the water surface are difficult to see unless they are prominently marked. The extent to which they need to be lit will depend on the amount of night usage of a particular waterway. Any construction of navigation aids will also need sanction from the Director of Maritime Safety pursuant to Section 200 of the Maritime Transport Act 1994.

*See also Sections 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10, 11.8*

### **Policy 11.2.6 - Consultation with the Maritime Safety Authority and Harbourmasters**

**Consult with the Maritime Safety Authority (MSA) and Harbourmaster/s to assess the potential effects of structures and reclamations on navigation safety.**

**Explanation** - The Maritime Safety Authority and Harbourmasters are sources of expertise on the activities of ships within the areas for which they have responsibilities under the Harbours Act 1950 and activities that may adversely affect the safe navigation of those ships. They are, therefore, in a good position to advise on methods of avoiding, remedying or mitigating potential effects. Consultation with the Maritime Safety Authority and Harbourmaster/s should be undertaken and any advice incorporated in the resource consent application as required under Section 18.4 of the Plan.

*See also Sections 10.4, 11.7, 11.8 and 18*

### **Policy 11.2.7 - Predator free islands**

**Avoid the erection of structures located within the coastal marine area where there is a likelihood of rats, cats, dogs (other than those used by the Department of Conservation for species management purposes) and mustelids obtaining access to islands free of these predators.**

**Explanation** - Depending on currents, rats and mustelids (stoats, weasels, and ferrets) can swim some considerable distance and any structure onto, or from which a rat or mustelid could be transferred near to a rat free island, would put that status at risk. As significant resources have been applied to achieving rat free status for some islands, there is a need to ensure that this value is not compromised. The introduction of cats or dogs would also compromise indigenous fauna.

*See also Sections 5.4, 11.7.7 and 11.7.8*

### **Policy 11.2.10 - Soundness and safety**

**Any structure in the coastal marine area is to be designed, constructed, and maintained in a manner which ensures that its soundness and safety is not compromised by its use, corrosion, the action of marine organisms, or fluvial or coastal processes.**

**Explanation** - The design of structures will need to consider the effects of climate extremes, wave and current action. It should be noted that if damage to property occurs as a result of an unsafe structure, the owner is likely to be liable for damage. *See also Section 11.4*

### **Policy 11.2.11 - Building consents**

**On receipt of a resource consent application for a structure, the need for a building consent will be determined on a case-by-case basis.**

**Explanation** - Unless otherwise provided by the Third Schedule of the Building Act 1991 it will be necessary to obtain building consents for structures in the coastal marine area. Building consents are not necessary for all structures, but unless any buildings are specified in the Third Schedule of the Building Act 1991, blanket exemptions cannot be provided for.

It is considered to be extremely unlikely that building consents would be required for whitebait stands. However, a building consent may be required in some cases. It should be noted that any platform, bridge or the like from which it is not possible to fall more than one metre, even if it collapses, does not require a building consent. It should also be noted that under Section 7(1) of the Building Act 1991, all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work. The issuing and monitoring of building consents is a territorial authority role which Create a cross boundary issue when a building consent is required for a structure that straddles the coastal marine area boundary. For the purposes of the Building Act, regional councils are territorial authorities within the coastal marine area. In practice, the Southland Regional Council utilises the skills and expertise of the territorial authorities to process these building consents, but the Southland Regional Council issues them. The Southland Regional Council may delegate authority to the territorial authorities for monitoring during the construction period of buildings.

*See also Sections 11.4 and 20*

### **Policy 11.2.16 - Natural character, amenity, landscape, seascape and open space values**

**Avoid, remedy or mitigate the adverse effects of structures on the natural character, amenity, landscape, seascape and open space values of the coastal marine area.**

**Explanation** - Adverse effects of structures on the natural character, amenity, landscape, seascape and open space values of the coastal marine area must be avoided, remedied or mitigated to maintain or enhance the quality of the environment. The pleasantness of an area can be reduced by the presence of structures, particularly structures that are not maintained

and allowed to reach a state that would never be permitted if the structure was proposed in that form in the first instance. Hence, any structure in the coastal marine area should be designed, constructed and maintained in a manner that minimises adverse effects on coastal values.

*See also Sections 5.3 and 20*

**Policy 11.2.17 - Structures and activities to be compatible with their surrounding environment**

**Encourage structures and activities, including reclamations, to be located, finished, and be of a form, profile, extent and alignment that is not incompatible with the visual amenity, natural character and physical landscape of the area in which it is located.**

**Explanation** - Structures, including reclamations and buildings in the coastal environment, can be and should be located, designed and aligned, and of a form, profile, size and finish that is compatible with the physical landscape, natural character and visual amenity of the area it is located. In deciding what is compatible, regard will need to be given to the topography, relief, elevation and combined values of the adjoining land.

The exterior of a structure should not detract from the natural character and amenity of the coastal marine area or its wider environment. The finishing materials and colour chosen for the exterior of the structure should be consistent with the texture, toning and brightness of the surrounding landscape and not result in excessive glare or reflective glare. Seasonal variations in the natural landscape, such as flowers and blossoms, are not considered as the main tones or colours of the landscape which need to be considered and applied to the exteriors of structures. The view from either the sea or land may be predominant and this should be taken into account when deciding on finishing materials and colours. When the structure is viewed from the sea and land to a similar degree, then the finishing materials and colour scheme should reflect a compromise between both backdrops. Compliance with this Policy will be assessed on a case-by-case basis.

*See also Sections 5.1, 5.2, 5.3, 11.4, 12.2 and 20*

**Policy 11.2.19 - Structures in the Fiordland (Te Moana o Atawhenua) Marine Area Recognise that the erection and/or placement of structures in the Fiordland (Te Moana o Atawhenua) Marine Area must be consistent with the very high natural values of that area.**

**Explanation** - Fiordland contains amenity and natural character values that are very high due to the pristine nature of the area. It would be inappropriate to allow the erection of structures that are incompatible with the character of this area. The sensitive communities and habitats of marine reserves and China Shops may be particularly affected.<sup>3</sup>

**Rule 11.2.3 - Structures more or less parallel to mean high water springs and longer than 1,000 metres**

**Any activity involving the erection of a structure or structures which is solid, or presents a significant barrier to water and sediment movement, and when established on the foreshore or seabed extends 1,000 metres or more in length (including separate structures which incrementally exceed 1,000 metres), is a discretionary activity and a restricted coastal activity.**

**Explanation** - This policy is derived from Schedule 1.3 of the New Zealand Coastal Policy Statement. Structures of this size can have significant effects. Generally, these structures would have to result in substantial positive effects if they are to be approved.

*See also Section 5.3 and 12*

**Rule 11.2.4 - Structures oblique/perpendicular to mean high water springs and longer than 1,000 metres**

**Any activity involving the erection of a structure or structures, which is solid or presents a significant barrier to water and sediment movement situated oblique or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection of more than 1,000 metres in length, is a discretionary activity and a restricted coastal activity.**

**Explanation** - This Policy is derived from Schedule 1.4 of the New Zealand Coastal Policy Statement. Structures of this size can have significant effects. Generally, these structures would have to result in substantial positive effects if they are to be approved.

*See also Sections 5.3 and 12*

### **Rule 11.2.6 - Other structures**

Except as provided elsewhere in the Plan, the erection of temporary or permanent structures in the coastal marine area:

1 is a non-complying activity in:

a the internal waters and open coast of Fiordland;

b the internal waters and open coast of Stewart Island, excluding Big Glory Bay and all that part of the coastal marine area located between Stewart Island and the imaginary line from Mamaku Point to Ackers Point, thence to Ringaringa Point, and finally to Cow and Calf Point.

2 is a discretionary activity in those parts of the coastal marine area not referred to in (1)(a) or (b) above.

3 is also a restricted coastal activity where the structure is solid, or presents a significant barrier to water or sediment movement:

i and when established on the foreshore or seabed extends 1,000 metres or more in length (including separate structures which incrementally exceed 1,000 metres);

ii situated oblique or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection of more than 1,000 metres in length;

iii the structure is to be used for the storage or containment of any petroleum, petroleum products, or contaminants in quantities greater than 100,000 litres.

**Explanation** - Because it is difficult to anticipate the size, nature, scale or detail of many potential structures in the coastal marine area, there needs to be a process where the appropriateness and detail of each is assessed against the policies in this Plan on a case-by-case basis. Section 12(1)(b) of the Resource Management Act 1991 states that:

No person may, in the coastal marine area, -

Erect, reconstruct, place, alter, extend remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, ... unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.

However, there are some instances where the effects of certain structures are reasonably predictable. Such structures include whitebait stands in certain areas, lights, navigation aids less than or equal to two metres in height, temporary buoys within Awarua Bay and Bluff Harbour, and maimais in parts of New River Estuary, Jacobs River Estuary and which existed prior to 1 July 1995, which are provided for elsewhere in this Plan as controlled or permitted activities.

Fiordland and Stewart Island contain amenity and natural character values which are very high due to the pristine nature of the areas. As significant development has occurred in Big Glory Bay and the Oban area, the pristine nature of these two areas have already been compromised and the effects of development in these two areas would not need to be considered under as stringent tests as other areas on Stewart Island or in Fiordland.

*See also Sections 4.2, 4.4, 4.5, 5.3, 11.7, 11.8 and 12*

**Issue 15.1.1 - The coast of the Southland region has considerable potential for aquaculture, but in pursuing this use, other environmental, social and cultural values of the coast could be compromised** *See also Sections 7.3.8.1 and 7.3.2*

**Objective 15.1.1 - Avoid, remedy or mitigate any adverse effects**

**Avoid, remedy or mitigate any adverse effects of marine farming operations.**

**Explanation** - Marine farming can cause considerable impacts on the natural character of the area, water quality, vegetation and fauna, and the amenity values of an area. These effects need to be avoided, remedied or mitigated if marine farming is to be sustainable. *See also Sections 7.3.8.1 and 7.3.2*

**Policy 15.1.1 - Resource consents required**

**Require resource consents for the establishment and operation of marine farming developments.**

**Explanation** - Marine farming proposals will be assessed against the policies in this Plan.

The effects of some forms of marine farming are uncertain. On past experience, this uncertainty can only be removed by extensive monitoring and research. Some of this will be site specific. In other cases, the results of research undertaken elsewhere could be applied locally.

The Southland Regional Council recognises that considerable technological advances are being made in the marine farming industry, which may result in marine farming being acceptable in some locations in the future, and if that occurs then a change to this Plan may be warranted.

During the development of this Plan, consideration was given to applying the standards to marine farming activities, which were developed during the 1980s by the Ministry of Fisheries. Although they were specific and restrictive, they were easily understood and simple to implement and monitor. However, they assume certain adverse effects and are based on marine farming practices of the time. Farming of new species, the use of new technologies or special site characteristics are not adequately provided for. Therefore, the Council has opted for a merit-based approach based on a case-by-case assessment of individual proposals, in appropriate locations, taking into account the values of the area within which it is proposed to locate the farming operation and the objectives and policies contained in this Plan. Cross referencing the marine farming provisions in this section to other relevant provisions in the Plan and the use of the Word Find Index will guide Plan users on the applicable sections. *See also Sections 5.3, 5.4, 7.2, 7.3, 9, 10.2 and 11.8*

#### **Policy 15.1.2 - New and changing activities in the same area**

**Where new and changing activities are proposed in areas within which there is a current occupation right, preference will be given to the current occupier provided that the effects of the new and/or changing activity are avoided, remedied or mitigated as required under the policies and rules of this Plan.**

**Explanation** - To provide further certainty of occupation, existing occupiers will be given preference to occupy their existing/consented space with a new or changing activity provided the effects of the new activity are shown to be avoided, remedied or mitigated. However, a process is required to enable the effects to be assessed. *See also Sections 11.5, 11.6*

#### **Policy 15.1.3 - Avoid adverse effects of marine farms in specific areas**

**Avoid the adverse effects from the establishment of marine farms in Marine Reserves, Fiordland's internal waters, Lords River and Port Pegasus on Stewart Island, and that part of Awarua Bay that lies to the east of the Tiwai Causeway.**

**Explanation** - This Policy arises in part from the explanation to Policy 13.19 in the Southland regional Policy Statement. It is stated that: *"In preparing the Regional Coastal Plan aquaculture will be provided for on the following basis – a marine farming of any type is not appropriate or permitted within Marine Reserves."* This policy also recognises the important environmental values of the internal waters of Fiordland, Lords River, Port Pegasus and Awarua Bay (east of the Tiwai Causeway) and the associated vegetation and fauna. It is considered that the effects from marine farming activities are incompatible with maintaining these water bodies in their present state and therefore this activity should be avoided.

#### **Policy 15.1.4 - Monitoring the effects of marine farming**

**To require monitoring of individual marine farm sites.**

**Explanation** - It is essential that adequate information is obtained on the environmental effects of marine farming. Initially, information is required as a benchmark against which to determine whether the environment has been significantly altered by the activity. Once a resource consent is granted for a marine farming activity, the effects of the activity should be monitored. It is necessary that monitoring is a condition on the resource consent, for every marine farming operation in the Southland region to ensure that the farm is operating in the manner anticipated. Given the public concern over marine farming it is appropriate any proposal is closely monitored to ensure that adverse effects do not arise. *See also Section 19*

## **Rule 15.1.8 - Marine farming**

**Marine farming in areas other than those referred to in Rules 15.1.2 - 15.1.7 is a discretionary activity.**

**Explanation** - Regional Policy Statement Policy 13.19 makes provision for aquaculture in the Southland coastal marine area. However, it also acknowledges the need to protect the coastal environment, especially those areas containing significant values. Consent applications will be assessed on a case-by-case basis and it will be necessary to ensure that any adverse effects associated with marine farming are avoided wherever practicable, remedied or mitigated. See also Sections 3, 4, 5, 7, 9, 10.2, 11, 12, 13, 16

### **Objective 17.2 Remedy unlawful adverse effects**

**To be in a position to remedy (without financial cost to the public) the unlawful adverse effects of activities, carried out in breach of the Coastal Plan or the conditions of any applicable resource consents.**

**Explanation** - In some circumstances, non-compliance with conditions contained in a resource consent may result in failure by the applicant to remedy or mitigate adverse environmental effects and/or failure to remove equipment and structures. This is most likely to occur with activities of an experimental or exploratory nature, where markets may change and/or where there is some uncertainty as to the financial viability of the activity being undertaken. In such situations, a financial security will provide the opportunity to remedy the adverse environmental effects without further cost to the public.

### **Marine Farm:**

a in relation to a leased area, all that part of the area that is being or has been developed into a farm for the farming of fish or marine vegetation; includes all structures and rafts used in the area in connection with the farm, and all boundary markings, and all fish or marine vegetation for the time being farmed in the area by the lessee; and

b in relation to any licensed area, all that part of the area in which the licensee is for the time being carrying on the business of farming of fish or marine vegetation in accordance with [their] licence; and includes all structures and rafts used in the area in connection with the farm, and all fish or marine vegetation for the time being farmed in the area by the licensee: (Marine Farming Act 1971).

### **7.3.2 To provide for activities requiring the occupation of the coastal marine area.**

#### **Principal reasons for adopting**

Some activities require occupation of the coastal marine area in order to be able to carry out the activity. Access may be restricted due to safety concerns, through the need to ensure the security of the activity is not compromised, or for other reasons. In order to provide for the social, economic and cultural well being of Otago's communities, the requirement to have exclusive access in some cases must be recognised, and where appropriate provided for. The ability to enhance access elsewhere in order to compensate for the loss of access associated with the activity can be considered as a means of mitigating such loss. Some recreational or cultural activities require occupation or may restrict public access for short periods of time. These events must be considered in relation to the community benefits they provide.

### **7.4.2 For activities seeking the right to occupy land of the Crown, consideration will be given to the reasons for seeking that occupation, whether or not a coastal location is required, and to any other available practicable alternatives.**

#### **Explanation**

Land of the Crown in the coastal marine area is a common property resource which is generally available for the use of all citizens. When considering the occupation of the coastal marine area by any activity, it is important to consider the need for that occupation and to consider any available practical alternatives.

#### **Principal reasons for adopting**

Policy 4.1.6 of the New Zealand Coastal Policy Statement requires that consideration be given to any available alternatives and the applicants reasons for making the proposed choice when considering resource consent applications for the right to occupy land of the Crown within the coastal marine area.

### **7.4.3 Public access to and along the margins of the coastal marine area will only be restricted where necessary:**

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

#### **Explanation**

This policy recognises that it may be necessary to restrict public access in certain circumstances. When intending to gain access to the coast across private land the provisions of the Trespass Act 1980 will still apply. Before crossing private land the permission of the land owner should be obtained. Policy 4.1.5 of the New Zealand Coastal Policy Statement requires that the Plan provide for defence purposes. Use of the coast by the New Zealand Defence Force can pose some safety risks to the public, particularly when live munitions are used and it may be necessary to limit public access at such times.

Public access should not be restricted unless there is a need to protect the coastal environment, cultural values, or public health or safety. Within the Otago Harbour, such a restriction may be required for safety and navigation reasons in the areas surrounding the commercial port areas, given the movement of large ships in confined spaces. Such restrictions would be under the provisions of the Harbours Act 1950, which controls the movement of ships, and any consequential temporary restriction of public access for safety and navigation reasons. Other exceptional circumstances may include protecting heritage and archaeological sites.

### **Principal reasons for adopting**

Policy 3.5.1 of the New Zealand Coastal Policy Statement requires that the regional coastal plan recognise that public access may be restricted for the reasons contained in the policy. Policy 8.5.3 of Otago's Regional Policy Statement also requires that access be maintained or enhanced except in circumstances where safety and security concerns require occupation or where significant ecosystems or species require protection.

7.5.1.1 Any activity or event which restricts or excludes public access from land of the Crown within the coastal marine area is a *permitted* activity provided:

- (a) The restriction or exclusion is for a period not exceeding three days in any 12 month period; and
- (b) In the case of restricted access, the restriction is limited to an area of one hectare or less; and
- (c) In the case of exclusion of access, the exclusion is limited to an area of 0.5 hectares or less; and
- (d) The disturbance of the foreshore or seabed is confined within the perimeter of the area of occupation and, when completed, the foreshore or seabed is smoothed flat with no visible depressions greater than 0.5 metres in depth; and
- (e) The activity or event does not occur in a coastal protection area; and
- (f) The activity or event does not include the use of vehicles other than for:
  - (i) The purposes of search and rescue operations; or
  - (ii) The launching of ships; or
  - (iii) Other emergency situations; and
- (g) Public notice of the activity or event is first given in a local newspaper at least seven days beforehand.

7.5.1.3 Any activity involving occupation of the coastal marine area is a *discretionary* activity and a *restricted coastal* activity if it:

- (a) Would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or
- (b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- (c) Would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas.

**Note:** The difference between (a) and (c) is that (a) excludes public access while (c) restricts public access.

7.5.1.5 Except as provided for by rules 7.5.1.1, 7.5.1.2, 7.5.1.3, or 7.5.1.4 any activity involving occupation of land of the Crown within the coastal marine area is a *discretionary* activity.

### **Principal reasons for adopting**

The occupation of land and any related part of the coastal marine area can only occur if a resource consent is held, unless this Plan provides for that occupation (Section 12(2)(a) of the Act). Activities which do not restrict or exclude public access, or which only restrict or exclude that access to a limited amount are permitted because of the minor effects of that restriction or exclusion and the benefits to the community resulting from such activities. Uses and activities occupying Crown land in the coastal marine area at 30 September 1991 which were not authorised under previous legislation require a coastal permit unless this Plan provides otherwise. Many occupiers have an expectation that they can continue that occupation. Most of these occupations have little or no adverse effect on the environment, and may not be inconsistent with the principles and purposes of the Act. In many cases the uses were originally lawfully established but consent has lapsed, sometimes through no fault of the current occupier. Giving these occupations permitted activity status is an interim measure to allow for compiling an inventory of all uses and activities occupying Crown land in the coastal marine area and for undertaking an assessment of the appropriateness of those uses and methods, having regard to their effects on the environment and the principles and purposes of the Act. If this Plan did not give such occupations permitted activity status, resource consent would be required, regardless of the scale of such occupations. It is an unnecessary and costly exercise to require all unauthorised occupiers to obtain consent until a full assessment of those occupations has been carried out. Section 1.9 of the First Schedule of the New Zealand Coastal Policy Statement requires that the occupation of space, as specified in 7.5.1.3, is a restricted coastal activity. Also, because structures which have been made permitted activities in Chapter 8 of the Plan will occupy part of the coastal marine area to the exclusion of others, they require either a resource consent or a rule to provide for occupation of the coastal marine area. Because such permitted structures will have a minor effect on the coastal marine area it is appropriate that the occupation be a permitted activity. Any other occupation of space requires a resource consent pursuant to Section 12(2)(a) of the Act.

## **8.2 Issues**

### **8.2.1 Structures in the coastal marine area may adversely affect sites of cultural significance within and adjacent to the coastal marine area.**

#### **Explanation**

Areas and sites of cultural significance to Kai Tahu hold a range of cultural values the integrity of which can be damaged or destroyed by the placement of structures on or near such sites, resulting in the alienating of Kai Tahu from places of waahi tapu and waahi taoka. The Historic Places Act 1993 requires protection of pre 1900 sites of human occupation.

*Objective 8.3.1*

*Policies 8.4.1, 8.4.2, 8.4.6*

### **8.2.2 Structures in the coastal marine area are sometimes used for activities which could be located outside the coastal marine area, while some activities have no practicable alternative other than to locate in the coastal marine area.**

#### **Explanation**

Structures in the coastal marine area reduce the space available to the public to use. This means the number of structures should be kept to a minimum by only allowing activities to locate in the coastal marine area where they have either an operational need to be located in the coastal marine

area or there are no alternative areas in which to locate. This could include bridges, culverts and other structures associated with strategic road and rail networks which may need to be placed within the coastal marine area because of constraints of local topography.

*Objective 8.3.3*

*Policy 8.4.3*

### **8.2.3 Structures in the coastal marine area may adversely affect the natural character of the coastal marine area through their proliferation in undeveloped or semi-developed areas.**

#### **Explanation**

Coastlines where there are no or few structures have a different character to those where there are many. Under the Act the Council must preserve the natural character of the coast.

*Objective 8.3.2*

*Policies 8.4.4, 8.4.5, 8.4.8*

### **8.2.4 Structures in the coastal marine area may adversely affect the conservation values within and adjacent to the coastal marine area.**

#### **Explanation**

Some conservation values such as yellow-eyed penguin or fur seal breeding colonies would be particularly sensitive to new developments. The effects would not only be from the construction of a structure but the activity it would be used for.

*Objective 8.3.1*

*Policies 8.4.2, 8.4.6*

### **8.2.5 Structures may cause undesired changes to the natural physical coastal processes acting upon the foreshore or seabed.**

#### **Explanation**

Structures may alter the water or sediment processes which act upon the coastline. The effects of this may include reduced flushing or enclosed water bodies, accelerated erosion or accretion, or altered currents. Because the understanding of the coastal process may be limited where a structure will be constructed it is appropriate to take a precautionary approach. This is consistent with Policy 3.3.1 of the New Zealand Coastal Policy Statement.

*Objective 8.3.4*

*Policy 8.4.8, Chapter 14*

### **8.2.6 Structures in the coastal marine area may be adversely affected by possible sea level rise and other natural hazards.**

#### **Explanation**

Structures in the coastal marine area can be exposed to a number of different hazards such as sea level rise, tsunamis, and storms. These dangers should be considered when building a structure.

*Objective 8.3.4*

*Policy 8.4.7*

## **8.3 Objectives**

### **8.3.1 To recognise and provide for values associated with:**

- (a) Areas of cultural significance; and**
- (b) Areas of conservation value; and**

**(c) Areas of public amenity; when considering structures within the coastal marine area.**

**Principal reasons for adopting**

Any structure in the coastal marine area can create adverse effects on values associated with the area. Values associated with Kai Tahu cultural sites, other heritage sites and buildings, areas of conservation value, and areas having public amenity values need to be taken into account and given the appropriate protection under Sections 6 and 7 of the Act.

*Policies 8.4.1, 8.4.2, 8.4.6, 8.4.9*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 8.3.1, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.1, 10.3.4, 10.3.6, 12.3.1*

**8.3.2 To preserve the natural character of Otago's coastal marine area as far as practicable from the adverse effects associated with structures.**

**Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal marine area and the protection of the coastal marine area from inappropriate subdivision, use and development. The New Zealand Coastal Policy Statement has a number of policies requiring this.

*Policies 8.4.4, 8.4.5, 8.4.6, 8.4.8*

*Other Objectives 5.3.1, 7.3.2, 7.3.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.1, 10.3.4, 10.3.6*

**8.3.3 To provide for the development of appropriate new structures and maintenance of existing structures, whilst minimising the use of structures for activities which do not require a coastal marine area location.**

**Principal reasons for adopting**

The aim is to make the most efficient use of the coastal marine area by limiting the use of structures in the coastal marine area to those activities which require them. Provision needs to be made for development of new structures over the life of the Plan, as well as the maintenance of existing structures. Section 6(a) of the Act requires the preservation of the natural character of the coastal marine area and the protection of the coastal marine area from inappropriate subdivision, use and development.

*Policy 8.4.3, 8.4.9*

*Other Objectives 5.3.1, 7.3.1, 7.3.2, 9.3.1, 9.3.2, 9.3.4, 10.3.6, 11.3.1*

**8.3.4 To take into account the effects of natural physical coastal processes when considering structures in the coastal marine area.**

**Principal reasons for adopting**

Natural physical coastal processes acting upon the foreshore or seabed can be altered by structures placed in the coastal marine area to the extent that those processes affect the stability of structures and the shoreline in adjacent areas. Natural hazards, such as storms and sea level rise can damage structures within the coastal marine area. The careful design and planning of such structures in the coastal marine area which take account of the natural physical coastal processes acting on the area should reduce the adverse effects associated with those processes.

*Policies, 8.4.7*

*Other Objectives 5.3.1, 7.3.2, 7.3.4, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.3, 10.3.6, 11.3.1, 14.3.1*

**8.4.2 For activities involving structures, priority will be given to avoiding adverse effects on values associated with any area identified in Schedules 2 and 3 of this Plan as being a coastal protection area, a coastal recreation area, an area of outstanding natural feature and landscape or an area important to marine mammals or birds.**

## **Explanation**

Structures placed within or adjacent to areas identified in this policy can adversely affect those features because of their visual intrusion, the effect they can have on the values of coastal recreation areas, disturbance of the foreshore and seabed, and because of their effect on the movement of water and wildlife. These areas are identified in Schedules 2 and 3 of this Plan.

## **Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment. The features identified form part of the natural character of Otago's coastal marine area. Policies 1.1.1 and 1.1.2 of the New Zealand Coastal Policy Statement requires that adverse effects of activities on such features be avoided and remedied as a national priority because of their contribution to the natural character of the coastal environment. Policy 3.1.2 of the New Zealand Coastal Policy Statement requires identification and protection of the regionally important recreation areas.

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.6, 6.4.3, 6.4.3, 9.4.2, 10.4.2*

### **8.4.3 To recognise and have regard for the values associated with coastal development areas when considering activities involving structures in and adjacent to coastal development areas.**

## **Explanation**

There are a wide range of existing activities occurring within the coastal development areas that must be recognised and provided for in the Plan. The consideration of new activities in the area must be set within the context of the existing uses, the developed nature of the areas, and the purpose to which the developed areas are put to.

## **Principal reasons for adopting**

The continued use and development where appropriate of areas already developed within Otago's coastal marine area is important for the social, economic, and cultural well being of the people of Otago.

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.4, 5.4.7, 5.4.9, 9.4.3, 9.4.10, 9.4.11, 10.4.9, 10.4.10, 10.4.11, 12.4.1*

### **8.4.4 New structures will be avoided, as far as is practicable, in areas of open space, and in areas of little or no development, in order that the amenity values associated with those areas are maintained or enhanced.**

## **Explanation**

Open space along the coast is one of the physical qualities which contributes to people's appreciation of its pleasantness, aesthetic coherence, and recreational attributes. Areas which are largely unmodified have special values. They attract people to them because they are in their natural state and often they have significant conservation values as the flora and fauna has not been damaged or disturbed. These values should be recognised as having priority in these areas. The two levels of development are described as follows, these can be contrasted with the developed area which is also described as follows:

- Areas of no development refer to a coastal marine area in its natural state, where the foreshore and seabed has not been modified by any structures or other alterations.

- Areas of little development have a foreshore which has been altered by the presence of a structure such as the harbour walls around the margins of Otago Harbour, or a very small number of open piled structures. In these instances there is a human impact on the coastal marine area but it is limited to a few structures and the foreshore has undergone a minor modification.
- Developed areas are where the coast has been altered by all those elements that comprise little development and a mixture of more substantial structures, a higher density of smaller open piled structures and predominant activities and uses. The most developed part of Otago's coastal marine area is the port areas of Otago Harbour and Oamaru Harbour. In these locations there are substantial structures such as harbour breakwaters, dredged channels and wharves. The developed areas are also represented by the fishing harbours of Moeraki, Karitane and Taieri Mouth where there are numerous small piled structures, ramps and more substantial structures such as breakwaters. Other areas which have been developed around a predominant use are locations such as Deborah Bay and Macandrew Bay, within Otago Harbour where the foreshore and seabed has been altered by the construction of small reclamations, piled structures, ramps and moorings for recreational purposes. Such locations are considered developed because the location is identified with a specific or predominant use which requires the placement of structures and alterations of the foreshore and seabed. Developed areas exist because a geographical features such as a harbour or bay is suited to specific commercial, recreational or cultural uses.

### **Principal reasons for adopting**

Policy 3.1.3 of the New Zealand Coastal Policy Statement requires that this Plan recognise the contribution that open space makes to amenity values and should seek to maintain and enhance those values by giving appropriate protection for areas of open space. Policy 1.1.1 of the New Zealand Coastal Policy Statement requires, as a matter of national priority, that appropriate subdivision, use or development be encouraged in areas where the natural character has already been compromised, in order to preserve the natural character of the coastal environment.

*Rules 8.5.1 to 8.5.3*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.6, 5.4.8, 5.4.9, 6.4.2, 6.4.3, 6.4.4, 7.4.2, 9.4.2, 9.4.10*

### **8.4.5 New and existing structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the character of the area.**

#### **Explanation**

Structures in the coastal marine area will be required to be maintained in a sound and tidy state and to blend as far as is practicable with the landscape to minimise the visual impact on natural character.

### **Principal reasons for adopting**

The preservation of the natural character of the coastal environment is a matter of national importance that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources have to recognise and provide for. The visual impact of structures, particularly if poorly maintained or if in stark contrast to the background landscape can result in a reduction in natural character of an area.

*Rules 8.5.1 to 8.5.4*

*Other Methods 1.6.1 to 1.6.4*

#### **8.4.9 Structures should only be allowed to locate in the coastal marine area where there are no practicable alternatives elsewhere.**

##### **Explanation**

Proposals to place a structure in the coastal marine area should demonstrate that all practicable alternatives to locating the structure in the coastal marine area have been considered and that a coastal marine area location is required.

##### **Principal reasons for adopting**

The coastal marine area is a finite public resource which must be used and managed in a sustainable way. It is recognised that there are occasions where it is necessary to locate structures in the coastal marine area and this needs to be considered. Where there are practicable alternatives to a structure locating in the coastal marine area, it should not be allowed to occupy the public space.

*Rules 8.5.1, 8.5.2, 8.5.3, 8.5.4*

*Other Methods 8.6.1, 8.6.2, 8.6.4*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.8, 5.4.9, 7.4.2, 9.4.4, 14.4.4*

8.5.1.4 Any activity involving the erection or placement of a structure or structures in the coastal marine area is a **discretionary** activity and a **restricted coastal** activity if:

- (a) It would impound or effectively contain 4 hectares or more of the coastal marine area; or
- (b) It is solid (or presents a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous); or
- (c) It is solid (or presents a significant barrier to water or sediment movement), and it is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs, and is in horizontal projection 100 metres or more in length; or
- (d) It is for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.

8.5.1.7 Except as provided for by Rules 8.5.1.1 to 8.5.1.6 any activity involving the erection or placement of a structure or structures in, on, under, or over any foreshore or seabed is a **discretionary** activity.

##### **Principal reason for adopting**

The erection or placement of a structure on any foreshore or seabed in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed coastal plan, or a resource consent (Section 12(1)(b) of the Act). The erection or placement of any maimai, whitebait stand at the Clutha River mouth or eel trap, or the shifting of an authorised swing mooring will have minor adverse effects if the standards or terms are met. Sections 1.2, 1.3, 1.4 and 1.5 of the First Schedule of the New Zealand Coastal Policy Statement require that the activities identified in 8.5.1.4 are restricted coastal activities. It is sometimes necessary to extend a stock fence into the coastal marine area to prevent the wandering of stock. The environmental effects of these fences is minor. The placement of small pipes for stormwater and other minor discharges that are permitted by 10.5.3 will have only minor effects on the environment. Any other activity involving the erection or placement of a structure is a discretionary activity in order that any adverse effects can be assessed.

## **9.2 Issues**

### **9.2.1 Alteration of the foreshore and seabed may destroy or disturb sites of cultural significance within or adjacent to the coastal marine area.**

#### **Explanation**

Activities which result in the alteration of the foreshore or seabed can disturb or destroy sites of cultural significance, causing alienation of Kai Tahu from sites and resources and may inhibit the customary practice of kaitiakitanga. The Historic Places Act 1993 requires protection of pre 1900 sites of human occupation.

*Objectives 9.3.1, 9.3.3, 9.3.4*

*Policies 9.4.1, 9.4.2, 9.4.3, 9.4.7, 9.4.8*

### **9.2.2 Alteration of the foreshore or seabed may adversely affect conservation values or public amenity values within or adjacent to the coastal marine area.**

#### **Explanation**

Activities involving the alteration of the foreshore or seabed can result in the loss of, or damage to, existing flora and fauna in an area, and to existing public amenity values. Reclamations can remove intertidal areas and areas important for benthic species from the coastal marine area and can also result in the loss of public access to an area that may have been used for recreational purposes. Reclamations can also alter the natural character of the coast through alignment of the foreshore into straight lines, such as in Otago Harbour along Portsmouth Drive. The deposition of material can result in the smothering of benthic communities and the discolouration of coastal water. The effects associated with any alteration of the foreshore or seabed on conservation values and public amenity values needs to be carefully considered.

*Objectives 9.3.1, 9.3.3, 9.3.4*

*Policies 9.4.2, 9.4.3, 9.4.7, 9.4.8, 9.4.10*

### **9.2.3 Alteration of the seabed or foreshore may adversely affect the natural character of the coastal environment.**

#### **Explanation**

Reclamations can result in a reduction in natural character of an area through reclaimed areas giving the coastline a human modified appearance. Such reclamations may be in the form of straight line reclamations across bays, concrete or hard fill edges, or straight line extensions into bays. Otago Harbour is an example where the natural character of the coastal marine area has been modified through reclamations realigning the foreshore into straight lines. In areas where there is little or no human modification of the shoreline, such reclamations can result in a reduction of the area's natural character. The removal of material from areas of the foreshore, or the deposition of material can also affect the natural character of the area.

*Objective 9.3.2*

*Policies 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6, 9.4.7, 9.4.8, 9.4.10*

### **9.2.4 Alteration of the foreshore or seabed may alter the natural physical coastal processes acting upon them.**

#### **Explanation**

Activities which result in the alteration of the foreshore or seabed of the coastal marine area can alter natural physical coastal processes acting on the area. This can include reductions in the amount of water area as a result of reclamations, which may adversely affect flow regimes, tidal hydraulics, and flushing capabilities. Erosion may be increased through

the removal of sand, shell, shingle or other natural material from the coastal marine area, particularly if the overall sediment equilibrium is altered.

*Objectives 9.3.2, 9.3.3, 9.3.4*

*Policies 9.4.3, 9.4.5, 9.4.6, 9.4.8, 9.4.10*

### **9.2.5 Reclamations remove seabed and foreshore from the coastal marine area and result in new land areas above the line of mean high water springs.**

#### **Explanation**

Reclamations result in a removal of areas from the coastal marine area, and within enclosed harbours and bays can result in a reduction of water surface area. Incremental reclamations, if continued over time, can result in the loss of significant areas of those harbours and bays. In addition, the areas that are reclaimed, because they are above the line of mean high water springs, become areas that are administered by the relevant territorial local authority under the provisions of the operative district plan for the adjacent area. The consideration of resource consent applications for reclamations needs to include an assessment of the impact of the reclamation on the area of foreshore and seabed being reclaimed, an assessment of the effect on the loss of any area from the coastal marine area, as well as an assessment of the uses to which the area is going to be put.

*Objectives 9.3.1, 9.3.2, 9.3.4*

*Policies 9.4.8, 9.4.11*

### **9.2.6 Minor disturbances of the foreshore and seabed are often associated with activities in the coastal marine area.**

#### **Explanation**

Many activities occurring within the coastal marine area result in minor disturbances to the foreshore and seabed. For example, the maintenance of existing structures may result in a disturbance of the foreshore and seabed which will be periodic and isolated to areas immediately adjacent to the structure. Similarly, clearing blocked outfall pipes and river mouths will result in a disturbance to the foreshore and seabed area. Where the effects of such disturbances are minor, they should be provided for by this Plan.

*Objective 9.3.2, 9.3.3*

*Policy 9.4.5*

## **9.3 Objectives**

### **9.3.1 To recognise and provide for values associated with:**

- (a) Areas of cultural significance; and**
- (b) Areas of conservation value; and**
- (c) Areas of public amenity; when considering any alteration of the foreshore or seabed within the coastal marine area.**

#### **Principal reasons for adopting**

Any alteration of the foreshore or seabed can create adverse effects on values associated with the area. Values associated with Kai Tahu cultural sites, other historical sites and structures, areas of conservation value and areas having public amenity values need to be taken into account and be given appropriate protection when considering any alteration of the foreshore or seabed.

*Policies 9.4.1, 9.4.2, 9.4.3, 9.4.7, 9.4.8, 9.4.10, 9.4.11*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 8.3.1, 8.3.2, 8.3.3, 8.3.4, 10.3.1, 11.3.1*

### **9.3.2 To preserve the natural character of Otago's coastal marine area as far as practicable from the adverse effects associated with any alteration of the foreshore or seabed.**

### **Principal reasons for adopting**

Any alteration of the foreshore or seabed can result in a loss of natural character of the coastal environment within and adjacent to the coastal marine area. Section 6(a) of the Act requires that this Plan recognise and provide for the preservation of the natural character of the coastal environment and the protection of it from inappropriate use and development.

*Policies 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6, 9.4.7, 9.4.8, 9.4.10, 9.4.11*

*Other Objectives 5.3.1, 7.3.2, 7.3.3, 7.3.4, 8.3.1, 8.3.2, 8.3.3, 8.3.4, 10.3.1, 11.3.1, 14.3.1*

### **9.3.3 To take into account the effects of natural physical coastal processes when considering activities which alter the foreshore or seabed in the coastal marine area.**

#### **Principal reasons for adopting**

Activities which result in the alteration of the foreshore or seabed of the coastal marine area can alter natural physical coastal processes acting on the area. This can include reductions in the amount of water area through reclamations which may adversely affect flow regimes, tidal hydraulics, and flushing capabilities. Erosion may be increased through the removal of sand, shell, shingle or other natural material from the coastal marine area, particularly if the overall sediment equilibrium is altered.

*Policies 9.4.3, 9.4.5, 9.4.6, 9.4.8, 9.4.9, 9.4.10*

*Other Objectives 5.3.1, 6.3.1, 7.3.2, 8.3.1, 8.3.2, 8.3.3, 8.3.4*

### **9.3.4 To restrict the disturbance of the foreshore and seabed to those activities which require a coastal location.**

#### **Principal reasons for adopting**

The aim is to make the most efficient use of the coastal marine area by limiting the disturbance of the foreshore and seabed to those activities which require a coastal location.

*Policies 9.4.2, 9.4.4, 9.4.5, 9.4.8, 9.4.10*

*Other Objectives 5.3.1, 7.3.1, 7.3.2, 8.3.1, 8.3.2, 8.3.3, 10.3.1, 10.3.6, 11.3.1*

### **9.4.2 For activities involving the alteration of the foreshore or seabed, priority will be given to avoiding adverse effects on values associated with any area identified in Schedules 2 and 3 of this Plan as being a coastal protection area, a coastal recreation area, an area of outstanding natural features and landscapes or an area important to marine mammals or birds.**

#### **Explanation**

Activities which result in the alteration of the foreshore or seabed within, or adjacent to coastal protection areas, coastal recreation areas, or areas important to marine mammals or birds can adversely affect the values associated with the areas because of the physical changes they may create in the area. These can include alterations of the shoreline, the removal of physical features or the removal of water areas through reclamation.

#### **Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment. The features identified form part of the natural character of Otago's coastal marine area. Policies 1.1.1 and 1.1.2 of the New Zealand Coastal Policy Statement require that adverse effects of activities on such features be avoided or remedied as a national priority because of their contribution to the natural character of the coastal environment. Policy 3.1.2 of the New Zealand

Coastal Policy Statement requires identification and protection of the regionally important recreational areas.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.2, 5.4.6, 6.4.3, 6.4.6, 8.4.2, 11.4.4*

**9.4.3 To recognise and have regard for the values associated with coastal development areas when considering activities involving alterations of the foreshore and seabed in and adjacent to coastal development areas.**

**Explanation**

There are a wide range of existing activities occurring within the coastal development areas that must be recognised and provided for in the Plan. The consideration of new activities in the area must be set within the context of the existing uses, the developed nature of the areas, and the purpose to which the developed areas are put to.

**Principal reasons for adopting**

The continued use and development where appropriate of areas already developed within Otago's coastal marine area is important for the social, economic, and cultural well being of the people of Otago.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.4, 5.4.9, 6.4.1, 7.4.3, 8.4.3, 10.4.8, 10.4.10, 10.4.11*

**9.4.5 The area to be disturbed during any operation altering the foreshore or seabed will be limited as far as practicable to the area necessary to carry out that operation.**

**Explanation**

Any activity involving the alteration of the foreshore or seabed which involves reclamation's, the removal of sand, shingle, shell or other natural material, the disturbance of the foreshore and seabed, or the deposition or burial of natural material can impact on a wider area than in the immediate location of the activities. Consideration must be given to limiting the extent to which other areas are adversely affected by those activities.

**Principal reasons for adopting**

Policy 1.1.2(d) of the New Zealand Coastal Policy Statement requires that this Regional Coastal Plan recognise that areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out the approved activities. When considering alteration of the foreshore or seabed, the potential adverse effects of the alteration need to be similarly considered on all uses and values associated with areas within and adjacent to the coastal marine area.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.9, 6.4.1, 7.4.3, 7.4.5*

**9.4.10 Alterations of the foreshore and seabed should blend as far as is practicable with the adjoining landscape to minimise the visual impact of the alteration on the character of the area.**

## Explanation

Alterations of the foreshore and seabed will be required to blend as far as is practicable with surrounding landscape in order to minimise the impact on the character of the environment.

### Principal reasons for adopting

The preservation of the natural character of the coastal environment is a matter of national importance that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources, must recognise and provide for. The visual impact of alterations of the foreshore and seabed, particularly if poorly designed and in stark contrast to the surrounding landscape can result in a reduction in character of an area.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.2, 5.4.6, 5.4.8, 5.4.9, 6.4.1, 6.4.2, 6.4.4, 8.4.5*

9.5.3.4 Clearing a coastal structure of natural material, and the disturbance of the foreshore or seabed when undertaking maintenance or minor alterations to a structure, and the launching of ships from the foreshore, is a **permitted** activity provided:

- (a) Any natural material that is moved is not removed from the coastal marine area; and
- (b) Any disturbance of the foreshore and seabed is confined to within three metres of the perimeter of the structure, except when launching a ship; and
- (c) Any disturbance of the foreshore and seabed is smoothed over on completion of the clearance and a depression no greater than 0.5 metres lower than the surrounding foreshore and seabed is left; and
- (d) The natural material cleared from a structure is spread evenly over the foreshore no further than 50 metres from the structure; and
- (e) The structure has a current coastal permit or is provided for by a rule.

9.5.3.5 Except as provided for by Rules 9.5.3.1, 9.5.3.2, 9.5.3.3 and 9.5.3.4 any disturbance of foreshore or seabed is a **discretionary** activity.

### Principal reasons for adopting

The disturbance of the foreshore or seabed in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed coastal plan, or a resource consent (Section 12 of the Act). The clearing of an outfall pipe, required from time to time in response to shifting sands, is a permitted activity in recognition of the need to quickly clear any blockage to allow the outfall to operate. The opening of blocked river mouths as a permitted activity recognises the need to quickly clear any blockage in order to protect life and property from the flooding of rivers resulting from the blockage. The clearing of outfalls and the opening of river mouths will have less adverse effect than not providing for that clearance or opening. The clearance of natural material from a coastal structure is necessary for effective performance of some coastal structures, and the clearance of material will have only minor effects on the coastal marine area. Minor alterations or maintenance on permitted structures may result in minor disturbances to the foreshore and seabed and are best provided for as a permitted activity. Method 9.6.1.2 provides for consultation and establishes protocols between those agencies clearing blockages covered by Rule 9.5.3.1 and the Department of Conservation and the Otago Fish and Game Council. Maintenance dredging within Otago Harbour is necessary to ensure the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities. The conditions specified in the rule provide for the avoidance of adverse effects as far as practicable while recognising the need to provided for that dredging. Section 1.6 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities specified in 9.5.3.3 are restricted

coastal activities. Any other activity involving disturbance of the foreshore and seabed is a discretionary activity in order that any adverse effects can be assessed. Driving vehicles and launching small ships from trailers on sand beaches is not considered a disturbance in terms of Section 9.5.3.

**Note:** Section 9.6.3.2 of the Plan requires that the Hydrographer of the Royal New Zealand Navy is informed when a new coastal permit is granted for a reclamation or works in the coastal marine area.

9.5.4.3 Except as provided for by Rules 9.5.4.1 and 9.5.4.2, any activity involving the deposition of sand, shell, shingle, or other natural material in the coastal marine area is a *discretionary* activity.

### **Principal reasons for adopting**

Section 1.7 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities described in Rule 9.5.4.2 are restricted coastal activities, and provides that where the matters in Rule 9.5.4.1 are specified that that activity is a discretionary activity. Any other activity involving the deposition of sand, shell, shingle, or other natural material is a discretionary activity in order that any adverse effects can be assessed.

## **10.2 Issues**

### **10.2.1 Some discharges and disposal practices cause cultural concern.**

#### **Explanation**

The discharge of sewage, stormwater and non point source effluent, and discharges from shipping to the coastal waters and burials at sea can be injurious to the cultural and spiritual values of Kai Tahu.

*Objectives 10.3.1 to 10.3.6*

*Policies 10.4.1 to 10.4.12*

### **10.2.2 Discharges into Otago's coastal marine area can exceed the assimilative capacity of particular areas and reduce the lifesupporting capacity of coastal waters.**

#### **Explanation**

The ability of a particular area of the coastal marine area to absorb the adverse effects associated with a discharge is largely determined by its assimilative capacity. That capacity will vary depending on the location of the area, the amount of water available for mixing, and the speed at which the water is exchanged through tidal flushing or water currents. An area of open coast with strong tidal flows will have a greater assimilative capacity than an enclosed bay with limited tidal flush and with shallow water. The assimilative capacity is also affected by the nature and size of the discharge, and the contaminants that it contains. For example, substances such as heavy metals are harder to assimilate than are naturally occurring nutrients and they can create long term effects on the overall health of the coastal ecosystem. Some substances may have direct toxic effects on ecological communities while others may build up in food chains and lead to bioaccumulation or biomagnification. Assimilative capacity is also affected by the degree to which contaminants are bound up into the sediments of the area. Contaminants can be bound into sediments which are then released back into the environment over a long time frame. Discharges of substances can include contaminants such as chemicals, sediments, heavy metals, nutrients, herbicides, and pesticides into Otago's coastal marine area. These contaminants can adversely affect the ability of coastal water to support the biological communities found within the coastal marine area.

*Objectives 10.3.1 to 10.3.6*

*Policies 10.4.1 to 10.4.12*

### **10.2.3 Discharges into Otago's coastal marine area can affect people's health and result in decreased recreational and commercial opportunities for Otago's citizens.**

#### **Explanation**

Contamination can result in waters being unsuitable for bathing and other forms of contact recreation, thus lessening the opportunity for people to enjoy those waters. While the assimilative capacity of the ocean may be able to cope with discharges in general, there can be instances of local contamination from discharge points that directly affect areas of high recreational interest and use. There is a danger of disease from chemical, pathogen, bacterial or viral contamination from such contaminant sources. Decreased water quality can also lessen the opportunities for the undertaking of commercial ventures which are based on having good water quality. Poor coastal water quality will not provide for the economic, social or cultural needs of Otago's communities. Coastal water contamination can also affect the gathering of shellfish and other marine resources. There is concern within Otago over the contamination of shellfish resources and the constraints that this places on both recreational and commercial collecting of that shellfish.

*Objectives 10.3.1 to 10.3.6*

*Policies 10.4.1 to 10.4.12*

### **10.2.4 Accidental spills of contaminants into Otago's coastal marine area can have a significant adverse effect on the natural and physical resources of the coast.**

#### **Explanation**

Whenever hazardous substances or other contaminants are used, transported or stored, there is a risk of an accidental spill. The effects of a spill in the coastal marine area could be devastating because of the sensitivity of some marine ecosystems, the recreational, cultural and commercial values which could be damaged, the difficulty in containing the effects of a spill, and the difficulty in treating or removing the contaminant.

*Objectives 10.3.3, 10.3.6*

*Policies 10.4.9, 10.4.10, 10.4.11, 10.4.12*

### **10.2.5 The discharge of contaminants into Otago's coastal marine area may, in some cases, have greater adverse effect on the coastal environment than a discharge to other receiving environments.**

#### **Explanation**

When assessing an individual discharge, an assessment of the adverse effects associated with that discharge to areas other than the coastal marine area should be undertaken. In ensuring the sustainable management of the region's natural and physical resources, the alternatives to discharge to the coastal marine area have to be assessed relative to the adverse effects if that discharge was to the coastal marine area. The discharge with the least adverse effect may better meet the sustainable management requirements of the Act.

*Objectives 10.3.1 to 10.3.5*

*Policies 10.4.1, 10.4.7*

### **10.2.6 There is a lack of knowledge about the current state of Otago's coastal water quality**

#### **Explanation**

Monitoring of Otago's coastal waters has in the past been limited to a small number of sites. These have typically been around some of the higher use areas of Otago's coastal marine area or around specific discharge points. The available information on coastal water quality is limited because of this.

*Objectives 10.3.1 to 10.3.5*

## **10.3 Objectives**

**10.3.1 To seek to maintain existing water quality within Otago's coastal marine area and to seek to achieve water quality within the coastal marine area that is, at a minimum, suitable for contact recreation and the eating of shellfish within 10 years of the date of approval of this plan.**

### **Principal reasons for adopting**

A long term strategy is needed for the management of Otago's coastal waters. Due to a lack of information, it is not possible to introduce water quality classes within Otago's coastal marine area at this time. While there is insufficient information on which to base water quality classes for Otago's coastal waters at the time of notification of this Regional Plan: Coast for Otago, this objective aims to ensure that information is collected, and approaches are adopted in order that water classes can be established, and where water quality is degraded, that it will be improved to a standard suitable for contact recreation and the collection and consumption of shellfish.

*Policies 10.4.1 to 10.4.12*

*Other Objectives 5.3.1, 7.3.1, 8.3.1, 11.3.1*

**10.3.2 To take into account community, cultural and biological values associated with Otago's coastal marine area when considering the discharge of contaminants into Otago's coastal waters.**

### **Principal reasons for adopting**

The discharge of contaminants can adversely affect community, cultural and biological values associated with the coastal water body which receives the discharge. Those values must be taken into account if the consent authority is to sustainably manage Otago's coastal marine area.

*Policies 10.4.1, 10.4.2, 10.4.4, 10.4.5, 10.4.6, 10.4.7*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 11.3.2*

**10.3.3 To safeguard the life-supporting capacity of Otago's coastal marine area.**

### **Principal reasons for adopting**

The life-supporting capacity of the coastal marine area is important to Otago's communities which variously derive economic, social and cultural rewards from having healthy and diverse ecological systems. The life-supporting capacity of Otago's coastal ecosystems is dependent on their continuing health and diversity. Objective 8.4.2 of the Regional Policy Statement for Otago requires that the health and diversity of Otago's existing coastal ecology is maintained and enhanced.

*Policies 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.7, 10.4.8, 10.4.9, 10.4.12*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 11.3.1*

**10.3.4 To enhance water quality in:**

- (a) Coastal protection areas; and**
- (b) Coastal recreation areas; and**
- (c) Areas adjacent to marine mammal or bird sites; and**
- (d) Areas where there is a direct discharge containing human sewage; and**
- (e) Areas where there is a direct discharge of wastes from commercial, industrial or production activities.**

### **Principal reasons for adopting**

Policy 5.1.1 of the New Zealand Coastal Policy Statement requires that this Plan should provide for the enhancement of water quality in those areas having a high public interest in, or use of the water, areas of particular tangata whenua interest, areas where there is a particular value to be maintained, and areas where there is a direct discharge containing human sewage. Within this Plan, the coastal protection areas, coastal recreation areas and marine mammal and bird sites identify the values considered to be particularly important. Areas receiving a direct discharge of wastes from commercial, industrial or production activities also need to be included in the same framework because of the potential for adverse effects to be similar in nature, extent and severity to the matters contained in (a) to (e).

*Policies 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.6*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 9.3.1, 11.3.1*

### **10.3.5 To consider the adverse effects associated with a discharge of contaminants to the coastal marine area relative to the adverse effects associated with the discharge of the same material to other receiving environments.**

#### **Principal reasons for adopting**

In some circumstances the discharge of contaminants into coastal waters can have a greater adverse effect than the same discharge to other receiving environments. The relative adverse effects need to be taken into account when considering discharges of material to the coastal marine area. Pursuant to the sustainable management requirements of the Act (Section 5), an assessment of the adverse effects would also require an assessment of the costs and benefits associated with the discharge in terms of the ability of Otago's communities to be able to meet their social, economic and cultural needs while providing for their health and safety.

*Policies 10.4.7, 10.4.11, 10.4.12*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.2, 9.3.1, 11.3.1*

### **10.3.6 To reduce the potential for spills or leakage's of hazardous substances and hazardous wastes into the coastal marine area.**

#### **Principal reasons for adopting**

The storage, use or transportation of hazardous substances and hazardous wastes within the coastal marine area has the potential to have significant adverse effects on marine ecosystems and values associated with the coastal marine area if there are spills or leakage's. It is therefore important that the mechanisms are set in place to reduce the potential for spills or leakage's.

*Policies 10.4.9, 10.4.10, 10.4.11, 10.4.12*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 8.3.1, 8.3.2, 8.3.3, 8.3.4, 11.3.1*

### **10.4.2 For activities involving the discharge of water or contaminants, priority will be given to avoiding adverse effects on values associated with any area identified in Schedules 2 and 3 of this Plan as being a coastal protection area, a coastal recreation area, an area of outstanding natural features and landscapes or an area important to marine mammals or birds.**

#### **Explanation**

The discharge of water or contaminants can adversely affect the values identified in Schedules 2 and 3 of this Plan as a result of the possible lowering of water quality in the area.

#### **Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment. The features identified form part of the natural character of Otago's coastal marine area. Policies

1.1.1 and 1.1.2 of the New Zealand Coastal Policy Statement requires that adverse effects of activities on such features be avoided or remedied as a national priority because of their contribution to the natural character of the coastal environment. Policy 3.1.2 of the New Zealand Coastal Policy Statement requires identification and protection of the regionally important recreational areas.

*Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6*

*Other Methods 10.6.1, 10.6.2, 10.6.3, 10.6.4, 10.6.5*

*Other Policies 5.4.1, 5.4.2, 5.4.4, 5.4.5, 5.4.6, 5.4.7, 5.4.9, 6.4.3, 6.4.4, 7.4.1, 7.4.5, 8.4.2, 8.4.6, 9.4.7, 9.4.8*

**10.4.3 To restrict the discharge of contaminants into Otago's coastal marine area where that discharge would result in a lowering of the existing water quality in the receiving waters:**

**(a) After reasonable mixing; and**

**(b) After disregarding any natural processes that may affect the receiving waters.**

**Explanation**

Within Otago's coastal marine area, the consideration of consents will be set within a policy framework that seeks to achieve water quality of a standard at least suitable for contact recreation and shellfish gathering purposes within a 10 year period. In some areas, coastal water quality presently exceeds such a standard. In such areas, water quality should not be degraded beyond the limits of a mixing zone associated with each discharge. The third schedule water quality classes, as contained in the Act, and any other relevant standards or guidelines, will be had regard to when considering the water quality of any particular coastal water body.

**Principal reasons for adopting**

Section 69(3) of the Act provides that a regional council shall not set standards in a plan which would result in a reduction in the quality of water, unless it is consistent with the purposes of the Act to do so. Policy 8.5.6 of the Regional Policy Statement for Otago requires that water quality be maintained and enhanced.

*Rules 10.5.1, 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6*

*Other Methods 10.6.1, 10.6.3, 10.6.4, 10.6.5*

*Other Policies 5.4.1, 5.4.2, 5.4.8, 7.4.1, 7.4.5, 8.4.6, 9.4.6, 9.4.7, 14.4.2*

**10.5.6.1** Except as provided for by Rules 10.5.1.1 through to 10.5.5.8, the discharge of water or contaminants to the coastal marine area is a *permitted* activity if the discharge is of:

- (a) Water which will not change the natural temperature of the receiving waters, after reasonable mixing, by more than 3<sup>o</sup> Celsius; or
- (b) Non-toxic tracer dye; or
- (c) Cooling water free of process or waste substances and which would not change the natural temperature of the receiving waters, after reasonable mixing, by more than
  - i. 3<sup>o</sup> Celsius; or
- (d) Continually flowing water which has been used for holding live sea organisms and which has had no other contaminant added to it; or
- (e) Water discharged from the maintenance dredging of the Otago Harbour as permitted by 9.5.3.2.

10.5.6.2 Except as provided for by 10.5.6.1, the discharge of water or contaminants into the coastal marine area is a *discretionary* activity.

## **Principal reasons for adopting**

The discharge of any contaminant or water into water, or contaminant onto land of the coastal marine area can only occur if a resource consent is held, unless this Plan or regulations provide for that discharge (Section 15 of the Act). The discharge of water and contaminants as identified in 10.5.8.1 will have minor or no adverse effects on the coastal marine area. Under 10.5.8.2, any other activity involving a discharge into the coastal marine area is a discretionary activity in order that any adverse effects can be assessed.

## **13.2 Issue**

### **13.2.1 Exotic and introduced plants may adversely affect:**

- (a) Sites of cultural significance; or**
- (b) Areas having conservation values; or**
- (c) The natural character of areas within and adjacent to the coastal marine area;**  
**or**
- (d) Natural physical coastal processes acting upon the foreshore and seabed.**

## **Explanation**

The introduction of introduced or exotic plants into an area can cause the displacement of indigenous flora and the loss of habitat for indigenous fauna. The physical appearance and growth of such plants can result in the loss of amenity values and the loss of the natural character of an area as those coastal plants and habitats are displaced. The plants can also affect natural physical coastal processes acting in estuarine and shallow water areas by retaining silt and leading to the gradual reclamation and loss of the foreshore and seabed areas.

*Objective 13.3.1 to 13.3.3*

*Policies 13.4.1 to 13.4.4*

## **13.3 Objectives**

### **13.3.1 To recognise and provide for values associated with:**

- (a) Areas of cultural significance; and**
- (b) Areas of conservation values; when considering the introduction of exotic and introduced plants into the coastal marine area.**

## **Principal reasons for adopting**

Native plants provide a habitat and food source for native species. Kai Tahu also have concerns over the introduction of plants which could affect native species. For these reasons and given Section 6 of the Act, native plants should be protected from the introduction of exotic plants.

*Policies 13.4.1, 13.4.2*

*Other Objectives 5.3.1, 13.3.2, 13.3.3*

### **13.3.2 To prevent exotic and introduced plants from adversely affecting the natural character of the coastal marine area.**

## **Principal reasons for adopting**

Introduced or exotic plants may cause a loss of natural character in an area as a result of the introduced plants replacing existing plant communities and affecting landscape values. Section 6 of the Act requires the preservation of the natural character of the coastal environment.

*Policies 13.4.2, 13.4.4*

*Other Objectives 5.3.1, 6.3.1, 10.3.3, 13.3.1, 13.3.3*

### **13.3.3 To prevent exotic and introduced plants from having any adverse effect on natural physical coastal processes.**

#### **Principal reasons for adopting**

Introduced or exotic plants may also adversely affect natural physical coastal processes resulting in the silting up of areas. The introduction of any plant into the coastal marine area will need to be carefully assessed in terms of the likely and potential effect of that introduction in order that unintended effects are avoided.

*Policy 13.4.3*

*Other Objectives 5.3.1, 13.3.1, 13.3.2*

### **13.4.3 To consider potential adverse effects of, and the need for, any proposed introduction or planting of any exotic or introduced plant into Otago's coastal marine area.**

#### **Explanation**

The introduction or planting of any introduced or exotic plant, which includes seaweed's, has the potential to result in adverse effects such as the displacement of indigenous flora and fauna and the alteration of natural physical coastal processes. The need for introducing or planting any introduced or exotic plant will be considered and taken into account when considering resource consent applications for introducing or planting such plants.

#### **Principal reason for adopting**

Policy 3.3.1 of the New Zealand Coastal Policy Statement requires that a precautionary approach be taken to proposed activities with effects as yet unknown or little understood. Consideration of the need for any introduction or planting and consideration of the potential for adverse effects arising from that introduction or planting recognises that principle.

*Rule 13.5.1, 13.5.2*

*Other Methods 13.6.1 to 13.6.4*

*Other Policies 5.4.2, 5.4.6, 5.4.8*

13.5.1.1 The introduction or planting of any exotic or introduced pest plant in Otago's coastal marine area is a ***prohibited*** activity.

13.5.1.2 The introduction or planting of any exotic or introduced plant in Otago's coastal marine area where the plant is not already present is a ***discretionary*** activity and a ***restricted coastal*** activity.

13.5.1.3 The introduction of any exotic or introduced plant, in an area where the plant is already present is a ***discretionary*** activity.

#### **Principal reasons for adopting**

The introduction of any exotic or introduced plant in, on or under the foreshore or seabed can only occur if a resource consent is held, unless this Plan provides for that introduction (Section 12(1)(f) of the Act). The introduction of recognised pest plants is prohibited in recognition of their status as pests. Section 1.8 of the First Schedule of the New Zealand Coastal Policy Statement provides that the introduction or planting of any exotic or introduced plant in Otago's coastal marine area where the plant is not already present is a restricted coastal activity. Within Otago, *spartina* has been identified as a pest plant within the Pest Plant Management Strategy for the Otago Region. Its introduction to the coastal marine area is therefore prohibited. Any other activity involving the planting or introduction of introduced or exotic plants is a discretionary activity in order that any adverse effects can be assessed.