

# 9

## Alteration of the Foreshore and Seabed



## 9.1 Introduction

Alterations, that change the physical shape of the foreshore and seabed, includes reclamation, the removal of sand, shingle, shells, or other natural material from the coastal marine area, the disturbance of the foreshore and seabed (dredging, drilling, excavating and tunnelling), and the dumping of material in the coastal marine area.

## 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 Policies**

- 9.4.1 In order that any proposed alteration of the foreshore or seabed that will, or is likely to, have an adverse effect on cultural values, can be identified by kaitiaki runanga, Kai Tahu will be:**
- (a) Treated as an affected party for non-notified resource consent applications to alter the foreshore or seabed within areas, or adjacent to such areas, identified in Schedules 2 and 3 of this Plan as having cultural or spiritual values to Kai Tahu; and be**
  - (b) Notified about notified resource consent applications to alter the foreshore or seabed within the coastal marine area.**

**Explanation**

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each resource consent application in respect of their coastal domain and recognises the kaitiaki role that runanga have over the tai whenua (coastal area). Where resource consent applications are received for areas within, or adjacent to any area identified in Schedules 2 and 3 of this Plan as having Kai Tahu spiritual or cultural values, the kaitiaki runanga will be treated as an affected party and their written approval will be required, in accordance with Section 94 of the Act.

**Principal reasons for adopting**

The use of consultation to address Kai Tahu values that were not identified within the coastal protection area of this Plan is seen by them as being the most appropriate way to recognise and protect the cultural relationship that Kai Tahu hold with the tai whenua (coastal domain). Waahi tapu or waahi taoka values applicable to any site or area can be established through consultation. Such sites underpin the cultural relationship and identity to the coastal resource of a particular runanga. Section 8 of the Act requires that the Otago Regional Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.2, 5.4.9, 6.4.1, 7.4.1, 8.4.1, 8.4.2, 11.4.1, 13.4.1*

- 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.

*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*

**9.4.4 The reclamation of foreshore or seabed in areas with little or no development will be avoided.**

**Explanation**

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 have not been damaged or disturbed. These values should be recognised as having priority in these areas. Areas which have been developed usually have either recreation or commercial values. 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 refers 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 feature such as a harbour or bay is suited to specific commercial, recreational or cultural uses.

**Principal reasons for adopting [Repealed]**

*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, 6.4.4, 7.4.2, 7.4.5, 8.4.2, 8.4.3, 8.4.4, 8.4.9*

**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 reclamations, 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**

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*

**9.4.6 The integrity of natural features such as beaches, sand dunes, salt marshes, wetlands, and barrier islands, and their ability to protect areas above the line of mean high water springs from natural physical coastal processes will be maintained and enhanced wherever practicable.**

**Explanation**

Natural features such as beaches, sand dunes, salt marshes, wetlands, and barrier islands act as natural defence mechanisms for areas above mean high water springs. Natural physical coastal processes continually act on the shoreline along Otago and can result in erosion of the shoreline and inundation of low lying areas. The ability of such natural features to provide protection for inland areas against natural physical coastal processes that could result in adverse changes to the shoreline must be maintained and enhanced wherever it is practicable.



**Principal reasons for adopting [Repealed]***Rules 9.5.1 to 9.5.4**Other Methods 9.6.1 to 9.6.3**Other Policies 5.4.8, 6.4.1, 6.4.2, 6.4.6, 7.4.7, 10.4.3, 10.4.4, 10.4.5, 14.4.1, 14.4.2*

- 9.4.7 The material used to create and form a reclamation, or material sited on a reclamation, in the coastal marine area will not include contaminants which are likely to, or have the potential to, adversely affect the coastal marine area, except where measures are put in place to avoid any adverse effect.**

**Explanation**

Contaminants contained in material used to create or form reclamations can result in contamination of the surrounding areas. Only clean, non-contaminated material should be used in reclamations unless any contaminants can be shown to not result in contamination of surrounding areas. While fill material dredged from the surrounding coastal marine area, or other sources, is considered a contaminant in terms of the Act if it causes a change in the physical or chemical state of the water adjacent to a reclamation, it is considered an acceptable fill material if any discolouration caused by water discharged from the reclamation during construction is controlled and confined to a small area, and any chemicals contained in the fill material are not permitted to escape from the bunded area to have an adverse effect on the surrounding water quality and resident biota. The positioning of materials on reclamations which could adversely affect the coastal marine area needs to be carefully considered and mechanisms to avoid any adverse effect put in place.

**Principal reasons for adopting [Repealed]***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, 6.4.6, 8.4.2, 8.4.7, 10.4.2, 10.4.3, 14.4.3, 14.4.4*

- 9.4.8 For the following activities, consideration will be given to the reasons for undertaking the activity in the coastal marine area, the public benefit to be derived and to any other available alternatives:**
- (a) Any reclamation; or**
  - (b) The removal of sand, shingle, shell or other natural materials for commercial purposes; or**
  - (c) Any deposition of material.**

**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 use of the coastal marine area for activities which would result in the reclamation of areas, or the removal or deposition of material, it is important to consider the need for that activity within the area and to consider the

practical alternatives available in areas outside of the coastal marine area. In some situations, such as the deposition of material associated with the maintenance dredging of Otago Harbour, there are very few other practicable options for disposing of the dredge material.

#### **Principal reasons for adopting**

As for reclamation, the deposition of any material within the coastal marine area needs to be assessed in order that any potential adverse effects of the deposition in the coastal marine area can be compared to the deposition to other areas.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.8, 5.4.9, 7.4.2, 7.4.5, 8.4.9, 10.4.2, 14.4.3*

- 9.4.9 To encourage new reclamations within the coastal marine area to provide an additional 0.3 metres of freeboard, or be designed so as to be able to incorporate an additional 0.3 metres of freeboard at a later date, in order to take account of the possibility of sea level rise.**

#### **Explanation**

The possibility of sea level rise should be taken into account when designing and building new reclamations in the coastal marine area. The additional 0.3 metres will be above the level presently required to keep a reclamation above the water level expected at mean high water and including wave set-up experienced during a storm event.

#### **Principal reasons for adopting**

The best current international estimates of possible sea-level rise, as a result of greenhouse warming of the Earth, indicate a rise of 0.2 metres (range 0.1 - 0.3 metres) by year 2030 and 0.66 metres (range 0.3 - 1.1 metres) by year 2100. A figure of 0.3 metres possible sea level rise is taken as a best estimate to use when considering reclamations within the coastal marine area.

*Rules 9.5.1 to 9.5.4*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 6.4.6, 6.4.5, 8.4.7, 14.4.1, 14.4.2, 14.4.3*

- 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*

**9.4.11 When considering alterations to the foreshore or seabed within the coastal marine area, consideration will be given to the disposal of wastes, the reticulation of water, and the provision of power and other services where necessary.**

**Explanation**

This policy is concerned with those alterations of the foreshore and seabed of the coastal marine area that do not have adequate planning for facilities which may be required at a later date.

**Principal reasons for adopting**

To ensure that, when new alterations of the foreshore and seabed in the coastal marine area require onshore facilities, these are taken into consideration in the resource consent application, and the appropriate territorial local authority is consulted.

*Rule 9.5.1*

*Other Methods 9.6.1 to 9.6.3*

*Other Policies 6.4.1, 8.4.6*

## **9.5 Rules**

Any activity specified in this section as a discretionary activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the Otago Regional Council with a resource consent application.

**Note:** The rules in this section provide only for alterations to the foreshore and seabed. A consent may also be required under other parts of the Plan for:

- An activity involving a restriction on public access to the coast (see Chapter 7);
- An activity involving a structure (see Chapter 8);
- An activity involving a discharge (see Chapter 10); and
- An activity involving the taking, damming or diversion of coastal water (see Chapter 11).

### 9.5.1 Reclamation or draining of the foreshore or seabed.

#### 9.5.1.1 *[Repealed]*

9.5.1.2 Any activity involving the reclamation or draining of foreshore or seabed, is a *discretionary* activity.

#### **Principal reasons for adopting**

The reclamation or draining of 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 regional coastal plan, or a resource consent (Section 12(1)(a) of the Act). Any activity involving the reclamation or draining of the foreshore or seabed is a discretionary activity in order that any adverse effects can be assessed.

**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.

### 9.5.2 Removal of sand, shell, shingle or other natural material from the coastal marine area.

9.5.2.1 The removal of sand, shell, shingle or other natural material from the coastal marine area, for recreational or cultural purposes, is a *permitted* activity provided:

- (a) Less than or equal to 0.5 cubic metre is removed in any three year period; and
- (b) It does not occur within any coastal protection area identified in Schedule 2.1, or any coastal hazard area identified in Schedule 3.3.

9.5.2.2 The removal of sand, shell or shingle or other natural material from the coastal marine area in any 12 month period is a *discretionary* activity if:

- (a) It is in volumes greater than 50,000 cubic metres; or
- (b) It is extracted from areas equal to or greater than 4 hectares; or
- (c) It extends 1,000 metres or more over foreshore and seabed.

9.5.2.3 Except as provided for by Rule 9.5.2.1 or 9.5.2.2, the removal of sand, shell, shingle or other natural material from the coastal marine area is a *discretionary* activity.

#### **Principal reasons for adopting**

The removal of any sand, shingle, shell or other natural material from 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(2)(b) of the Act). Allowing the taking of small quantities of material recognises that there are only minor effects associated with it. Any other activity involving the removal of any

sand, shingle, shell or other natural material is a discretionary activity in order that any adverse effects can be assessed.

### 9.5.3 Disturbance

**9.5.3.1** Clearing a blocked outfall pipe, or opening a blocked river mouth or tidal inlet is a *permitted* activity provided:

- (a) No material is removed from the foreshore or seabed; and
- (b) The disturbance is limited to the extent necessary to clear the blockage; and
- (c) No contaminants are released into the coastal marine area from equipment being used for the clearance operation on any area of foreshore or seabed; and
- (d) All equipment is removed from the site on completion of the clearance operation; and
- (e) Any sediment removed from a blocked pipe or river mouth is placed below the line of mean low water, or if deposited on the foreshore, is smoothed over so that it is no higher than one metre above the normal surrounding foreshore level.

**9.5.3.2** The disturbance of the seabed for the purposes of maintenance dredging of the existing channel and berths within Otago Harbour is a *permitted* activity provided:

- (a) It is for the purposes of maintaining water depth in the following areas to the following depths:
  - (i) The upper berths and swinging areas: 10 metres
  - (ii) The upper channel: 8.5 metres
  - (iii) Port Chalmers berths and swinging areas: 14.5 metres
  - (iv) Lower channel: 13 metres; and
- (b) It is for the purposes of ensuring the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities.

**Note:** The depths are based on the Chart Datum on the latest navigational chart NZ6612, of Otago Harbour published by the Hydrographic Office of the Royal New Zealand Navy.

**9.5.3.3** Except as provided for by 9.5.3.2 any disturbance of foreshore or seabed in the coastal marine area, in any 12 month period, is a *discretionary* activity if:

- (a) It is in volumes greater than 50,000 cubic metres; or
- (b) It is extracted from areas equal to or greater than 4 hectares; or
- (c) It extends 1,000 metres or more over foreshore and seabed.

- 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 Rule 9.5.3.4, the disturbance of the foreshore or seabed when erecting, placing, altering, extending, replacing or reconstructing any structure, or part of any structure, in CHSA 1 Steamer Basin is a *permitted* activity provided:
- (a) No dredging occurs; and
  - (b) Any natural material that is moved is not removed from the coastal marine area; and
  - (c) Any disturbance of the foreshore or seabed is confined to within the perimeter of the structure; and
  - (d) After completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
  - (e) The structure has a current coastal permit or is provided for by a rule.
- 9.5.3.6** Except as provided for by Rules 9.5.3.1 to 9.5.3.5 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.

Steamer Basin is a highly modified marine environment where recreational activities and public access to the coastal marine area are encouraged. Redevelopment of Steamer Basin is anticipated to occur in relation to the Harbourside Structure Plan in Schedule 9, which specifies the geographical locations within which berthing is practical and the environmental effects of limited extensions to the current berthing facilities will have minor effects. The disturbance of the foreshore and seabed associated with development of structures in Steamer Basin will have no more than minor effects on the environment. 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 Deposition of sand, shell, shingle, or other natural material

**9.5.4.1** The deposition of sand, shell, shingle, or other natural material from a maintenance dredging operation in any 12 month period is a *discretionary* activity if:

- (a) The sand, shell, shingle, or other natural material is deposited at the sites as shown in Schedule 5 and described below:
  - (i) Heywards Point
 

45 ° 45.07'S	170 ° 42.09'E
45 ° 44.95'S	170 ° 42.27'E
45 ° 44.44'S	170 ° 41.78'E
45 ° 44.63'S	170 ° 41.60'E
  - (ii) Spit Beach
 

45 ° 45.18'S	170 ° 42.74'E
45 ° 46.05'S	170 ° 42.93'E
45 ° 45.72'S	170 ° 42.47'E
45 ° 46.04'S	170 ° 42.47'E
  - (iii) South Spit Beach (Shelly Beach)
 

45 ° 46.82'S	170 ° 42.56'E
45 ° 46.65'S	170 ° 42.79'E

45° 46.75'S	170° 42.96'E
45° 46.95'S	170° 42.77'E

#### 9.5.4.2 *[Repealed]*

**9.5.4.3** Except as provided for by Rules 9.5.4.1, 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**

Any 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.

## 9.6 Other methods

### 9.6.1 Consultation

**9.6.1.1** Recognise and take account of Iwi Management Plans as a basis for consultation with Kai Tahu.

**9.6.1.2** To promote consultation and the establishment of protocols between the agencies which have the responsibility for unblocking river mouths, and the Department of Conservation, and Otago Fish and Game Council.

**9.6.1.3** To promote consultation with other agencies, such as the Ministry of Fisheries who has the primary role in managing Otago's fishery resource.

#### **Principal reasons for adopting**

The use of consultation to address Kai Tahu values is seen by them as being the most appropriate way to recognise and protect the cultural relationship that Kai Tahu hold with the tai whenua (coastal domain). Iwi Management Plans would form a basis for consultation with Kai Tahu.

Consultation between agencies over the unblocking of river mouths for the purposes of identifying values which may be affected by this activity will enable more informed decision making.

Consultation should occur with other agencies with coastal management interests, including the Ministry of Fisheries who has the primary fishery management role in the coastal marine area.



**9.6.2 Joint hearings**

**9.6.2.1** To hold joint hearings with the appropriate territorial local authority regarding use and location of the reclamation and the effects the reclamation may have on the coastal environment.

**Principal reasons for adopting**

To achieve the integrated planning of the coastal environment, activities which have effects on both sides of the mean high water springs boundary are best considered by the appropriate consent agencies jointly.

**9.6.3 Information provision**

**9.6.3.1** To provide information on appropriate facing materials for the appearance of reclamations in different areas of Otago's coastal marine area.

**9.6.3.2** To notify the Minister of Transport, or any agency the Minister delegates power to, and the Hydrographic Office of the Royal New Zealand Navy of any new reclamation or works within the coastal marine area allowed by the Otago Regional Council at the time any permission is given.

**Principal reasons for adopting**

The visual impact of a new reclamation or works can be minimised in some cases by choosing the appropriate facing material depending on the area.

Section 395(1) of the Act 1991 requires that a regional council notify the Minister of Transport of applications for works or structures in the coastal marine area. The Minister can delegate these powers and has presently delegated these powers to the Director of the Maritime Safety Authority. Informing the Minister of Transport or any agency the Minister delegates power to and the Hydrographic Office of the Royal New Zealand Navy ensures that mariners know where new structures are and records are kept.

**9.7 Anticipated environmental results**

**9.7.1** The values and concerns of Kai Tahu are fully considered when considering resource consent applications for activities which alter the seabed or foreshore.

**9.7.2** Activities which alter the foreshore or seabed do not result in a loss of cultural or conservation values in an area.

**9.7.3** Activities which alter the foreshore or seabed do not result in a loss of amenity value or damage to structures.

**9.7.4** Activities which alter the seabed or foreshore do not result in a loss of the natural character from Otago's coastal environment.

- 9.7.5 Applications for resource consents for activities that alter the seabed or foreshore which may permanently affect water and sediment movement are considered carefully and a precautionary approach taken.**
- 9.7.6 The territorial local authorities are consulted over every resource consent application for a reclamation.**
- 9.7.7 Ships are able to safely navigate Otago's coastal marine area.**