

# 6

## Cross Boundary Issues



## 6.1 Introduction

The effects of an activity within the coastal marine area are often felt in adjacent areas, outside of the immediate vicinity of the activity or process. When considering activities within the coastal marine area, the potential impact of those activities on land above the line of mean high water springs needs to be considered. Activities, such as the erection or placement of structures, the building and location of reclamations, or the removal of sand, shingle, shell or other natural material have the potential to create adverse effects on land areas. These adverse effects include the possible loss of the natural character of an area, the acceleration of naturally occurring erosion or accretion, and the restriction of the passage of marine mammals and birds between areas above the line of mean high water springs and the coastal marine area. Commercial activities and recreational activities above mean high water springs and residential areas may also be adversely affected by activities, which occur in the coastal marine area.

These adverse effects, which cross the administrative line of mean high water springs (the line that determines the extent of this Regional Plan: Coast for Otago) are cross boundary issues that this Plan must address if the integrated management of Otago's coastal environment is to be achieved. The coastal environment encompasses the coastal marine area and the land areas adjacent to the coastal marine area that has a coastal character. Establishing processes between local authorities in order to deal with those cross boundary issues is required.

## 6.2 Issues

### 6.2.1 **Activities or processes on one side of the line of mean high water springs can adversely affect areas and activities on the other side of the line.**

#### **Explanation**

The control and management of the coastal marine area are the responsibility of the Otago Regional Council in conjunction with the Minister of Conservation. The control and management of areas above the line of mean high water springs is the responsibility of the district or city council. Within the coastal environment, the effects of activities on either side of the line of mean high water springs may be felt on the other side. In such cases the community or area that is affected generally has little or no control over that activity because it occurs outside their administrative area. Activities within the coastal marine area may also require car parking, buildings, and other facilities on land, and may straddle the line of mean high water springs. In some cases, those land based facilities will require a consent from the adjoining district or city council. The land based needs of activities connected to the shore, or which require facilities on land, need to be taken into account when considering those activities. Examples of potential effects on the coastal marine area from land based activities are the discharge of contaminants, increased sedimentation, eutrophication and erosion. Recognition of the actual and potential transfer of adverse effects between areas is required in order to sustainably manage Otago's coastal environment.

Establishing processes between local authorities in order to deal with those cross boundary issues is required.

*Objective 6.3.1*

*Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6*

**6.2.2 Areas of outstanding natural features and landscapes and sites used by marine mammals and birds, which are above the line of mean high water springs, need to be recognised in the management of Otago's coastal marine area.**

**Explanation**

Activities occurring within Otago's coastal marine area have the potential to result in a loss of the outstanding natural features and landscapes above the line of mean high water springs through the inappropriate location or design of structures, reclamations or other facilities. Activities can also adversely affect marine mammals and birds that utilise areas located above the line of mean high water springs, but which move between those areas and the coastal marine area. Inappropriately sited or designed structures, reclamations or other facilities may disrupt that movement and result in the loss of important marine mammal and bird conservation sites from Otago's coastal environment.

*Objective 6.3.1*

*Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4*

**6.2.3 Natural physical coastal processes operating in the coastal marine area can affect land areas above the line of mean high water springs.**

**Explanation**

Natural physical coastal processes are continually acting on the coastline. The movement of sand and water along the coast results in a coastline that is continually changing. In some areas, there is a net sediment loss and the coastline erodes as a result. In many instances the eroding coastline threatens property and infrastructure above mean high water springs.

*Objective 6.3.1*

*Policies 6.4.5, 6.4.6*

## **6.3 Objective**

**6.3.1 To avoid, remedy or mitigate the adverse effects of activities crossing the boundary line of mean high water springs.**

**Principal reasons for adopting**

Activities occurring within the coastal marine area can result in adverse effects across the line of mean high water springs. These adverse effects include the possible loss of outstanding natural features and landscapes, natural character, historic values, marine mammal and bird sites occurring above the line of mean high water springs, and the potential erosion of areas of the shoreline as a result of currents and wave action being altered due to

the poor placement of a solid structure. Activities in the coastal environment above mean high water springs can also have adverse effects on the coastal marine area, including eutrophication, siltation, non-point discharges, loss of natural values and coastal erosion. The potential for cross boundary adverse effects needs to be taken into account when considering resource consent applications and the management of the coastal marine area in order to bring about the integrated management of the coastal environment.

*Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6*

*Other Objectives 5.3.1, 7.3.2, 7.3.3, 8.3.1, 9.3.1, 10.3.4, 10.3.5, 12.3.1, 13.3.2, 14.3.1*

## 6.4 Policies

- 6.4.1 Regard will be had to the effects of any activity in the coastal marine area on any values associated with areas located on the landward side of the line of mean high water springs, and to the provisions of any relevant district plan.**

### **Explanation**

Applications for resource consents for activities will be assessed on their likely adverse effect, if any, on values associated with land areas adjacent to the coastal marine area. The need for a consent from an adjacent district or city council will also be considered.

### **Principal reasons for adopting**

This policy recognises that activities within the coastal marine area have the potential to adversely affect values associated with land areas above the line of mean high water springs, and that resource consents may be required from other agencies before the activity can occur.

*Methods 6.6.1, 6.6.2, 6.6.3, 6.6.4, 6.6.5*

*Other Policies 7.4.4, 7.4.6, 7.4.9, 9.4.6, 12.4.1*

- 6.4.2 To recognise and provide for the following elements which contribute to the natural character adjacent to Otago's coastal marine area:**
- (a) Natural coastal processes;**
  - (b) Landscapes and landforms; and**
  - (c) Coastal ecosystems.**

### **Explanation**

The natural character of Otago's coastal environment is made up of a number of components which together give an area its character. While this Plan identifies areas of particular importance in the coastal protection areas, in the cross-boundary provisions which recognise marine mammal and bird sites, and sites of outstanding natural features and landscapes, it is important that those elements that contribute to the natural character outside of those areas be properly recognised.

**Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment, including the coastal marine area, and the protection of it from inappropriate subdivision, use and development. This policy recognises those elements that have not been provided for elsewhere in this Plan.

*Methods 6.6.2, 6.6.4, 6.6.5*

*Other Policies 5.4.8, 5.4.9, 8.4.4, 8.4.5, 8.4.9, 9.4.4, 9.4.6, 9.4.8, 10.4.4, 11.4.3, 11.4.4, 11.4.1, 14.4.2*

**6.4.3 Priority will be given to avoiding any adverse effect on the habitat of, and movement of any marine mammal or bird between the coastal marine area and any coastal protection area, or any of the following areas specified in Schedule 3.1 of this Plan, which are above the line of mean high water springs, and the coastal marine area:**

- MMB 1 Oamaru**
- MMB 2 Cape Wanbrow**
- MMB 3 Kakanui Beach**
- MMB 4 Lookout Bluff**
- MMB 5 Moeraki Peninsula**
- MMB 6 Katiki Beach**
- MMB 7 Shag Point/Matakaea**
- MMB 8 Bobbys Head**
- MMB 9 Potato Point and Long Beach**
- MMB 10 Otago Peninsula**
- MMB 11 Forbury Hill Cliffs**
- MMB 12 Green Island**
- MMB 13 Taieri Island/Moturata**
- MMB 14 Quoin Point**
- MMB 15 Nugget Point**
- MMB 16 Cannibal Bay to Surat Bay**
- MMB 17 Hayward Point and Jacks Bay**
- MMB 18 Tuhawaiki Island**
- MMB 19 Penguin Bay**
- MMB 20 Duff Islands to Castle Rock**
- MMB 21 Hinahina Cove**
- MMB 22 Purakanui Bay to Cosgrove Island**
- MMB 23 Long Point and Chasm Island**
- MMB 24 Skeleton Point and Rainbow Isles**
- MMB 25 Waipati Beach**
- MMB 26 Chaslands Mistake**
- MMB 27 Wallace Head.**

**Explanation**

The margin of Otago's coastal marine area is home to a variety of marine mammals and birds including yellow-eyed penguins, blue penguins, fur seals and sea-lions. These animals move between nesting and resting areas on land, and the water of the coastal marine area. That movement can be disrupted, with the possible loss of those habitats, by activities which result in adverse effects such as inappropriately placed structures or reclamation's that create barriers to that movement. When considering activities within the coastal marine area, priority will be given to avoiding any adverse effect on the movement of marine mammals and birds between land areas and the coastal marine area.

Marine mammals and birds make use of the entire coastal marine area, but the areas identified in this policy reflect areas of concentration where they interact with land. The effects of resource use and development in the coastal marine area that may affect the area adjacent to marine mammal and bird sites is considered on a case by case basis through policies in Chapter 5.

A full description of the sites, along with the values associated with each area, and maps showing boundaries for each area are contained in Schedule 3.1 of this Plan.

**Principal reasons for adopting**

Many marine mammals and birds, such as yellow-eyed penguins, blue penguins, fur seals and sea-lions move between nesting and resting sites on land and the coastal marine area. The potential adverse effect of activities on that movement needs to be recognised.

*Method 6.6.2*

*Other Policies 5.4.7, 7.4.3, 8.4.2, 9.4.2, 10.4.2, 13.4.2*

**6.4.4 To recognise the following coastal hazard areas, as identified in Schedule 3.3:**

- CHA 1 Waitaki River - Oamaru**
- CHA 2 Waikouaiti - Karitane**
- CHA 3 Puketeraki - Warrington**
- CHA 4 Warrington Spit/Doctor's Pt**
- CHA 5 The Spit**
- CHA 6 Te Rauone Beach**
- CHA 7 Victory Beach**
- CHA 8 Allans Beach**
- CHA 9 Tomahawk - St Clair**
- CHA 10 Black Head**
- CHA 11 Ocean View**
- CHA 12 Brighton - Taieri Mouth**
- CHA 13 Toko Mouth**
- CHA 14 Kaka Point - Tirohanga**
- CHA 15 Newhaven.**

**Explanation**

The areas identified are recognised by the Otago Regional Council as being existing coastal hazard areas. The existence of these areas and the nature of the coastal hazard will need to be recognised and taken into account when considering activities in or around those areas.

A full description of the sites, along with the hazards associated with each area that need to be recognised when considering resource consent applications, and maps showing boundaries for each area are contained in Schedule 3.3 of this Plan.

**Principal reasons for adopting**

The potential for adverse effects to arise from existing coastal hazards should be taken into account when considering activities in the coastal environment.

*Methods 6.6.2, 6.6.5*

*Other Policies 7.4.2, 8.4.5, 8.4.7, 9.4.6, 10.4.4, 10.4.9, 14.4.1, 14.4.2, 14.4.3, 14.4.4*

**6.4.5 Priority will be given to the protection of the following outstanding natural features and landscapes, as identified in Schedule 3.2, from inappropriate subdivision, use and development:**

- ONFL 1 Cape Wanbrow**
- ONFL 2 Bridge Point**
- ONFL 3 Moeraki Peninsula**
- ONFL 4 Katiki Beach**
- ONFL 5 Shag Point/Matakaea**
- ONFL 6 Cornish Head**
- ONFL 7 Karitane Headland**
- ONFL 8 Heyward Point**
- ONFL 9 Otago Peninsula**
- ONFL 10 Cargill Castle to Black Head**
- ONFL 11 Chrystalls Beach**
- ONFL 12 Nugget Point**
- ONFL 13 Cannibal Bay to Surat Bay**
- ONFL 14 Penguin Bay to Wallace Beach**
- ONFL 15 All islands within Otago's coastal marine area.**

**Explanation**

Areas identified as outstanding natural features and landscapes within and adjacent to Otago's coastal marine area will be protected from the adverse effects of activities that may result in a loss of the values associated with those features and landscapes.

A full description of the sites, along with the values associated with each area, and maps showing boundaries for each area are contained in Schedule 3.2.

**Principal reasons for adopting**

Section 6(a) of the Act requires that the natural character of the coastal environment be preserved, and protected from inappropriate subdivision, use and development.

*Methods 6.6.1, 6.6.4, 6.6.5*

*Other Policies 5.4.9, 7.4.3, 8.4.2, 9.4.2, 10.4.2, 13.4.2*

**6.4.6 To recognise the action of natural physical coastal processes within the coastal marine area which could have the potential for adverse effects on adjacent land.**

**Explanation**

Natural physical coastal processes can result in erosion of the shoreline and in the loss of property and infrastructure. The natural physical coastal process which results in such erosion will be recognised.

**Principal reasons for adopting**

The action of natural physical coastal processes within the coastal marine area and the potential adverse effects resulting on land need to be considered in the management and control of the use, development and protection of the coastal environment.

*Method 6.6.1, 6.6.5*

*Other Policies 8.4.2, 9.4.2, 13.4.2, 14.4.1, 14.4.2, 14.4.3, 14.4.4*

**6.5 Rules**

There are no rules contained within this chapter. The objectives and policies contained within this chapter give guidance to the consideration of activities that require resource consents under any or all of the other chapters of this Plan.

**6.6 Other methods****6.6.1 Liaison**

**6.6.1.1** To hold joint hearings, where appropriate, with the relevant district or city council when considering applications for resource consents for:

- (a) Reclamations of the coastal marine area; or
- (b) Structures having a connection to the shoreline and which have a need for land based facilities requiring a consent from the relevant district or city council; or
- (c) Activities within the coastal marine area which require land based facilities.

**6.6.1.2** To liaise with district and city councils with responsibility for areas adjacent to the coastal marine area over:

- (a) Issues of concern that cross the line of mean high water springs; and



- (b) The inclusion of appropriate mechanisms within the district plans to take account of cross boundary issues particularly in areas adjacent to areas described in Schedules 2 and 3 of this Plan.

**6.6.1.3** To liaise with adjacent regional councils with responsibility for areas adjacent to Otago's coastal marine area over issues of concern that affect areas within the coastal marine area.

**6.6.1.4** To liaise with landowners adjacent to the coastal marine area on matters of coastal management that could affect them or be affected by them.

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

The holding of joint hearings with the adjacent territorial local authority for the activities identified ensures that the effects of the activity, both within the coastal marine area and on any adjacent land areas is taken into account. Liaising with adjacent district and city councils allows for the identification and resolution of issues that cross the line of mean high water springs, and which require a coordinated response. It is important to recognise that an activity on one side of the line of mean high water springs may affect the land and activities on the other side of the line. To achieve integrated management there must be consideration of all of the effects associated with an activity.

### **6.6.2 Transfer of power**

**6.6.2.1** The Otago Regional Council may consider the transfer of its functions, powers or duties, in accordance with Section 33 of the Act, where it is satisfied that the transfer is desirable on all of the following grounds:

- (a) The authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power or duty;
- (b) Efficiency;
- (c) Technical or special capability or expertise.

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

The transfer of functions, powers or duties from the Otago Regional Council to an appropriate authority in some circumstances may result in improved efficiency and effectiveness in the integrated and sustainable management of Otago's coastal marine area. The consideration of any transfer of a function, power or duty will be undertaken in accordance with Section 33 of the Act.

### **6.6.3 Inventory**

**6.6.3.1** Prepare a comprehensive inventory of outstanding natural features and landscapes, which includes natural character, found in the coastal environment in conjunction with an inventory of Otago's outstanding natural features and landscapes.

**Principal reasons for adopting**

The Act and the New Zealand Coastal Policy Statement require recognition of, and provision for, the preservation of those features which contribute to the natural character of the coastal environment. In order to achieve this, it is necessary to undertake an investigation of the outstanding natural features and landscapes within Otago's coastal environment.

**6.6.4 Development of plans**

**6.6.4.1** The Otago Regional Council, when developing other regional plans will:

- (a) Ensure they are developed in a consistent manner and use an integrated approach; and
- (b) Consider the effects activities occurring above mean high water springs can have on values associated with the coastal marine area.

**Principal reasons for adopting**

Activities occurring on land adjacent to the coast and other parts of Otago can have effects on the coastal marine area. It is important that plans adopted by the Council use an integrated approach, which includes consideration of possible effects on the coastal marine area

**6.7 Anticipated environmental results**

- 6.7.1** The adverse effects of activities on areas outside of the coastal marine area is considered and taken into account when considering any resource consent applications.
- 6.7.2** Issues that cross the line of mean high water springs are identified and joint responses between the Otago Regional Council and the relevant district or city council are developed where appropriate.
- 6.7.3** Sites of importance to marine mammals or birds above the line of mean high water springs are not adversely affected by activities occurring within the coastal marine area.
- 6.7.4** Outstanding natural features and landscapes and the coast's natural character above the line of mean high water springs are not adversely affected by activities occurring within the coastal marine area.