This is a true and correct copy of the Regional Plan: Coast for Otago, incorporating Plan Change 1, that was adopted by the resolution of Otago Regional Council on Wednesday 24 June 2009.

The Common Seal of Otago Regional Council was hereto affixed pursuant to the resolution of Council passed on Wednesday 24 June 2009 in the presence of:

Stephen Cairns
Chairperson

Graeme Martin
Chief Executive

OTAGO REGIONAL COUNCIL
Common Seal

This copy of the Regional Plan: Coast for Otago has been approved by the Minister of Conservation on:

16 SEP 2009

Hon Tim Groser
Minister of Conservation

Key event	Date notified	Date decision released	Date operative
Regional Plan: Coast	1 July 1994	16 May 1997	1 September 2001
Plan Change 1 (Harbourside)	26 January	14 February 2009	1 December 2009
Amendment 1 (NZ Coastal Policy Statement)	10 December 2011	10 December 2011	1 January 2012
Amendment 2 (Aquaculture Settlement Areas)	31 July 2025	31 July 2025	1 August 2025
Minor corrections pursuant to Clause 20A of Schedule 1 to the Resource Management Act 1991 – Memorandum	N/A	N/A	2 April 2026

Regional Plan: Coast for Otago

Otago Regional Council

Otago Regional Council
Updated to 2 April 2026
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Chairperson's Foreword

Otago's coast is a magnificent resource that we all enjoy in some way. Lowland hills rolling down to the surf provide many access points, and historic lighthouses on craggy outcrops attract many sightseers, including visitors from overseas. Long beaches abound where surfers, fishermen, boaties, horse riders, walkers, and runners can all enjoy their respective pastimes.

Peaceful villages with cribs snuggled around the secluded river mouths provide homes and holiday accommodation for many people along the length of the coast.

The coastal landscape is a major tourist destination, with albatross and other ocean going birds nesting on the shoreline where nearby sea lions, seals, and penguins can often be viewed. People come here especially to share in the wild beauty that Otago residents can enjoy at any time.

All this makes our coast a treasure to be preserved in a way that ensures future generations enjoy it for decades to come, and which minimises the harmful environmental effects of human activity.

The Otago Regional Council has amended the Regional Plan: Coast, effective 1 January 2012 following the release of the NZ Coastal Policy Statement in 2010.

This Plan has been formulated to protect and sustain the region's coastal resources. It covers the Otago coastal marine area, which comprises the part of the coast between the mean high water spring and 12 nautical miles (22.2 kilometres) out to sea.

The adjoining land a is an integral part of the coastal environment, and is statutorily managed through the Waitaki District Council, Dunedin City Council, and Clutha District Council district plans and other Otago Regional Council plans

The Otago Regional Council's role is to ensure the coastal marine area is sustainably managed. Our responsibilities in this regard are prescribed in the plan, which has been developed in close consultation with the people of Otago, iwi, district and city councils, and government agencies.

We look forward to working with you all in implementing this plan.

Stephen Woodhead

How to use the Regional Plan: Coast for Otago

This Regional Plan: Coast for Otago considers the use, development and protection of the coastal marine area of Otago and issues associated with that use, development and protection. It provides objectives, policies, rules and other methods of implementation in order to address those issues. The rules of the Plan determine the status of any particular activity and determine whether a consent is required before that activity can be carried out.

A resource consent is not required for any activity that is identified as a permitted activity. However a resource consent is required for any activity which this Regional Plan: Coast specifies as being:

(a) A discretionary activity; or
(b) A restricted discretionary activity; or
(c) A controlled activity.

A resource consent is also required for any activity that would otherwise not comply with this Plan (a non-complying activity).

In some cases, the Plan specifies certain activities as being prohibited activities. These are activities which cannot occur within Otago's coastal marine area, and are activities for which no resource consent will be issued.

When considering an activity within Otago's coastal marine area, the following chapters of the Plan should be looked at to determine whether a resource consent is required before undertaking that activity:

Would the proposed activity result in any of the following	**See the following chapter**	
• The occupation of any space within the coastal marine area. • The restriction or exclusion of the public to areas of the coastal marine area.	Chapter 7	Public Access
Activities involving structures including: • Any erection or placement; or • Any repair or maintenance; or • Any extension, alteration, replacement or reconstruction; or • Any demolition or removal. Activities involving signs.	Chapter 8	Structures and Signs
Any alteration of the foreshore or seabed including: • Reclamations; or • Removal or deposition of sand, shingle, shell or other natural material; or • Disturbance.	Chapter 9	Alteration of the Foreshore and Seabed
• Any discharge of contaminants or water, or activities involving hazardous substances.	Chapter 10	Discharges
• Any activity involving the taking, use, damming or diversion of coastal water.	Chapter 11	Taking, Use, Damming or Diversion
• Any activity which will generate noise.	Chapter 12	Noise
• Any activity involving the introduction of exotic plants.	Chapter 13	Exotic Plants
• Any activity located within or adjacent to a natural hazard.	Chapter 14	Natural Hazards

Chapter 15 of the Plan prescribes the information that must be submitted with resource consent applications.

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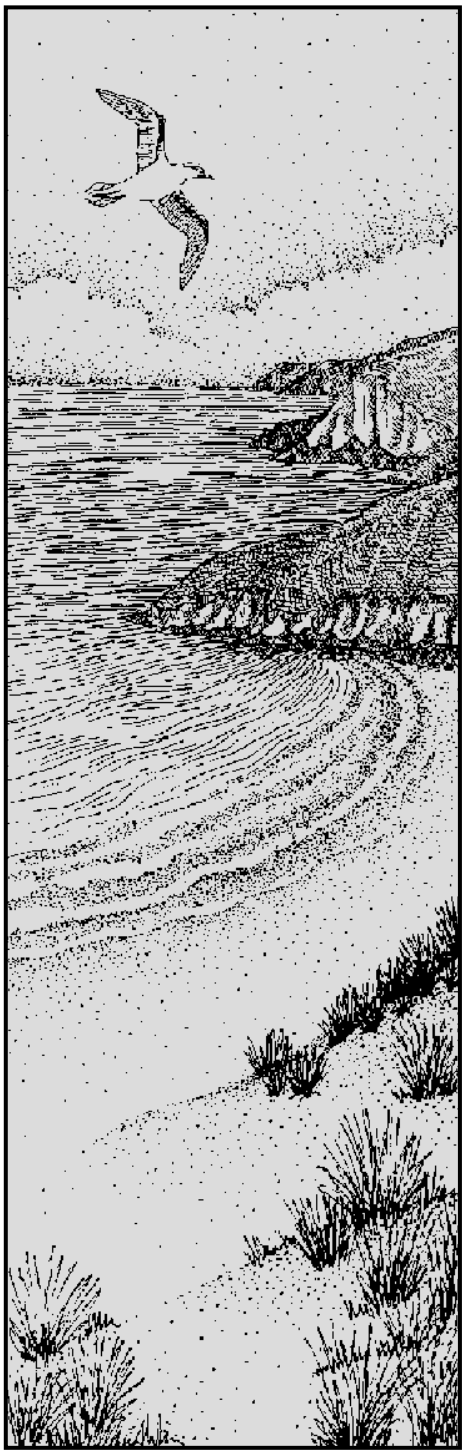
1

Introduction



1.1 Purpose of the Plan

The functions of the Otago Regional Council under the Resource Management Act 1991 (the Act) include the control (in conjunction with the Minister of Conservation) of the coastal marine area (Section 30(1)(d)). The purpose of this Plan is to provide a framework for the integrated and sustainable management of Otago's coastal marine area.

A regional coastal plan is required by Section 64 of the Act. Section 432(1A) of the Act requires this Council to publicly notify a proposed regional coastal plan by 1 July 1994. There are no other alternatives provided by the Act in the management of the coastal marine area.

Within the coastal marine area, almost all activities require a resource consent to be held unless the regional coastal plan allows for it (Sections 12, 14 and 15 of the Act). This Regional Plan: Coast for Otago contains a regulatory component which establishes the framework within which uses of the coast can occur. If this Plan did not contain that regulatory component, all activities which otherwise contravened Sections 12, 14, or 15 would continue to require a consent. The Plan also contains other methods that are aimed at bringing about the sustainable and integrated management of Otago's coastal marine area.

1.2 The process and the effect of the Plan

This Regional Plan: Coast for Otago was publicly notified in accordance with the requirements of the First Schedule of the Act. Submissions and further submissions were received on the Plan and considered by a hearings committee. Decisions on the submissions were then made. These decisions were subject to appeal to the Environment Court. The Plan, including any changes required by the Environment Court, was then adopted by the Otago Regional Council for reference to the Minister of Conservation for approval. The Plan became operative after the Minister's approval. The operative date was publicly notified.

This Plan was amended by Plan Change 1 (Harbourside), proposed on 26 January 2008 and made operative on 1 December 2009, following the receipt of 21 submissions and seven further submissions. The amendments related to the introduction of coastal harbourside areas, and introduced new rules regarding development of the Basin.

This Plan was amended by Amendment 1 (NZ Coastal Policy Statement) on 1 January 2012. This amendment removed Restricted Coastal Activities in accordance with the New Zealand Coastal Policy Statement 2010, and removed references to the 1994 New Zealand Coastal Policy Statement.

This Plan was amended by Amendment 2 (Aquaculture Settlement Areas) on 1 August 2025. This amendment introduced maps of six new Aquaculture Settlement Areas gazetted under Section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004.

1.3 Transitional Regional Coastal Plan

A number of instruments were in force within Otago's coastal marine area at the time of commencement of the Act (1 October 1991). These were deemed to form a Transitional Regional Coastal Plan (Section 370 of the Act). The Transitional Regional Coastal Plan for Otago will cease to be operative when this Regional Plan: Coast for Otago becomes operative.

1.4 Area covered by the Plan

This Plan covers the coastal marine area, which is:
... the area of foreshore, seabed, and coastal water, and the air space above the water-
(a) Of which the seaward boundary is the outer limits of the territorial sea:
(b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
(i) One kilometre upstream from the mouth of the river; or
(ii) The point upstream that is calculated by multiplying the width of the river mouth by 5.
(Section 2 of the Act)

Otago's coastal marine area, extending from the line of mean high water springs, to the limits of the territorial sea at 12 nautical miles (22.2 kilometres), from the Waitaki River in the north to Wallace Beach in the south is shown in (Figure 1-1).

There are three territorial local authorities within Otago which have the common line of mean high water springs as boundary between the area covered by the respective district plans and this Regional Plan: Coast for Otago. These three authorities are:
- Waitaki District Council;
- Dunedin City Council; and
- Clutha District Council.

1.5 Structure of the Plan

This Plan has been divided into a number of general parts:

Chapters 1 to 4
This provides an introduction to the Plan, a description of the legislative framework applying to the coast, and provides background information about Otago's coastal marine area and the perspective of Kai Tahu, Otago's Manawhenua.

Chapters 5 to 14
This identifies the relevant coastal management issues, and contains objectives, policies, methods and, where appropriate, rules. It is this part of the Plan which users should have particular regard to when considering the undertaking of activities within Otago's coastal marine area. It is this part of the Plan which establishes the management framework within which those activities need to fit.

Chapters 15 to 17
This identifies the main administrative issues that affect the use of the coastal marine area, specifying the information required with any resource consent application, the circumstances where a financial contribution may be required, and the processes to be used to review and monitor this Plan.

Figure 1.1: Otago's Coastal Marine Area

Schedules
This contains elements of the Plan which need to be taken into account throughout the Plan:

1. The definition of cross river boundaries for the purposes of the Plan.
2. The coastal management areas that have been established for the Plan.

3. Areas that need to be recognised above the line of mean high water springs as cross boundary issues.
4. Mooring areas within Otago Harbour coastal development area.
5. Dredge dumping sites.
6. Department of Conservation administered land adjacent to the coastal marine area.
7. *[Repealed]*
8. Historic sites and values that must be given particular regard to.
9. Harbourside Structure Plan.

Appendices
This contains a glossary of terms used in this Plan.

1.6 Integrated management

This Regional Plan: Coast for Otago seeks to achieve sustainable management of the natural and physical coastal resources of the region. This requires an integrated approach, taking an all-embracing, holistic view of resource management. It requires that decision-making about any particular resource take into account the likely effects on other natural and physical resources. It also requires an approach that meets the social, economic and cultural needs of the people and communities of Otago, now and in the future.

Integrated management includes:

(a) Integration of **management responses across management agencies** - Recognising that although different agencies have varying functions, powers and duties under the Act and other acts, coordination of their actions is necessary to promote sustainable management in the region, particularly in areas of shared responsibility.

(b) Integration **toward shared environmental outcomes** - Recognising that the resolution of key resource management issues which will affect the region's future will be more effective and efficient if management agencies work together for common goals.

(c) Integration of **management responses across resource systems** - Recognising that natural and physical resources must be treated as parts of complex and inter-connected bio-physical systems affecting each other.

(d) Integration of **actions across a range of time scales** - Recognising that the effects of human activities in the environment can be temporary or permanent, may have already occurred, may be happening now, may happen some time in the future and may be cumulative over time.

(e) Integration of **decision-making with community participation** - Recognising that the values and beliefs of the community, including those of iwi, must play an important part in natural and physical resource management.

(f) Integration of **methods to be used to implement policies** - Recognising that there is usually more than one way of implementing policies in an efficient and

effective way.

(g) Integration **across individual decisions** - Recognising that if each decision about the use of, or effects on, a resource is made in isolation, by the time the accumulated effects are seen as a problem it may be too late to take remedial action.

In order to achieve the Act's requirement that the Regional Plan: Coast provide for integrated management of the region's coastal resources, its provisions must be read as a whole.

To assist in the achievement of a holistic, integrated approach to resource management, the Regional Plan: Coast uses a system of cross referencing to provide linkage between chapters, and between issues, objectives, policies and methods within each chapter. Within this system:

- Each issue, objective and policy is referenced to other chapters within the Plan, where those chapters contain issues, objectives or policies which may affect that particular issue, objective or policy.
- Each of the issues is referenced through to the relevant objectives and policies within each chapter.
- Each of the objectives is referenced through to the relevant policies within each chapter.
- Each of the policies is referenced through to the relevant methods within each chapter.

This cross reference system is for information purposes, to aid understanding of the integrated nature of the Regional Plan: Coast and to assist Regional Plan: Coast users to read it as a whole by highlighting potential links between resource issues and concerns. Particular connections and issues of integration will still need to be addressed on a case by case basis, in relation to particular circumstances.

1.7 Consultation

The Otago Regional Council views the process of consultation with the people of Otago as a very important element of its activities. The development of policies and plans, the undertaking of works and the consideration of resource consents all require a well informed public to have their say.

The following principles in respect of consultation emerged from the Court of Appeal in ***Wellington International Airport v Air New Zealand (1993) 1 NZLR 671***:

- Sufficient information needs to be made available to the consulted party or parties, including further information should this be requested.
- Meetings should be held with the consulted parties and these should be entered into with an open mind.
- Due notice should be taken of what consulted parties have to say.
- The consulting party should wait until all parties have had their say before making its decision.

The Otago Regional Council will actively seek the views of Otago's communities, and will be guided by the Court of Appeal's principles in seeking those views. It will seek to use the consultation methods best suited to the particular circumstances and to develop consultation protocols with affected communities. It will provide adequate timeframes, adequate information, and advice to those communities as required to ensure their participation.

In developing this Regional Plan: Coast for Otago, the Otago Regional Council has consulted with a variety or individuals, groups and agencies including:

1. The Department of Conservation.
2. The Ministry of Fisheries.
3. The Ministry for the Environment.
4. Maritime Safety Authority, Ministry of Transport.
5. Kai Tahu.
6. Waitaki District Council.
7. Dunedin City Council.
8. Clutha District Council.
9. A variety of user groups.
10. Interest groups through a series of interviews.
11. The public generally through a series of public meetings.

1.8 Background information

A variety of reports were compiled which provide additional information about Otago's coastal marine area and about the issues that were considered in the development of this Regional Plan: Coast for Otago. The reports do not constitute the Regional Plan: Coast for Otago, nor any part of it. They are for information purposes only. These reports, which are available from the Otago Regional Council, are:

- Background Report 1: Section 32 Report;
- Background Report 2: The Management of Otago's Coastal Water Quality;
- Background Report 3: Manawhenua Report;
- Background Report 4: Eastward to the Sea: A Scientific Review of Otago's Coastal Marine Area;
- Background Report 5: Marine Recreational Fishing Along Otago's Coastline.

The Otago Regional Council also has available a number of other reports which provide additional information that were used in the development of this Plan:

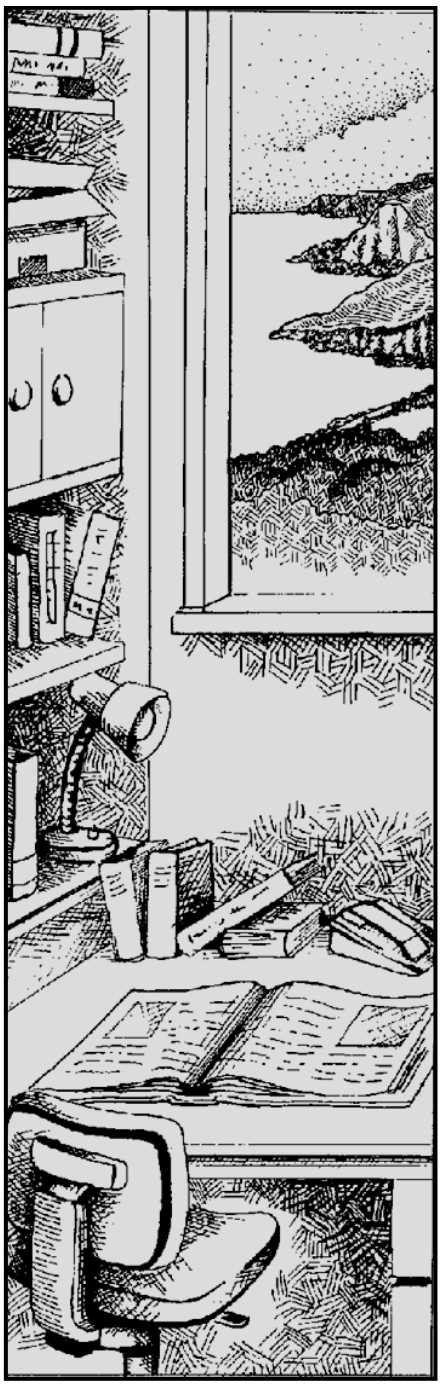
- Otago Coastal Environment Plan: Report on Issues and Options;
- Otago Coastal Environment Plan: Findings from Public Participation;
- North Otago Coastal Hazard Mapping Investigation: Discussion Document;
- East Otago Coastal Hazard Mapping: Investigations Report;

- South Otago Coastal Hazard Mapping: Discussion Document;
- Otago Harbour Planning Study: Issues and Options Report;
- Otago Harbour Planning Study: Report of the Ecosystems and Physical Systems Working Group;
- Otago Harbour Planning Study: Report of the Cultural and Social Working Group;
- Otago Harbour Planning Study: Report of the Pollution Working Group;
- Otago Harbour Planning Study: Report of the Recreation Working Group;
- Otago Harbour Planning Study: Report of the Land Use and Development Working Group;
- Otago Harbour Planning Study: Report of the Safety and Navigation Working Group.

Also available, from the Department of Conservation, is a report identifying areas that the Department considers have significant conservation value within and adjacent to Otago's coastal marine area. The values identified in that report have been taken into account in the preparation and development of this Regional Plan: Coast for Otago and are the basis for identifying coastal protection areas, marine mammal and bird sites, and areas of outstanding natural features and landscapes as contained in Schedules 2 and 3 of this Plan.

2

Legislative and Policy Framework



2.1 Introduction

The principal statute under which the natural and physical resources of Otago's coastal marine area are managed is the Act. The Act also provides for specific policy statements (i.e. New Zealand Coastal Policy Statement and Regional Policy Statements) which have an impact on the management of the coast. Some activities, such as fishing activities, are also subject to the specific requirements of other statutes. This chapter provides a brief overview of the relevant statutes and their relationship to this Regional Plan: Coast for Otago.

2.2 Part II of the Resource Management Act 1991

The Act provides the framework for the management of Otago's coastal marine area. Part II of the Act contains a number of specific provisions which must be taken into account in considering the use, development, or protection of the coastal marine area.

2.2.1 Purpose

Section 5 of the Act states:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while -

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

This Plan is to enable the Otago Regional Council to promote the sustainable management of the natural and physical resources of Otago's coastal marine area.

2.2.2 Matters of national importance

Section 6 of the Act identifies a number of matters of national importance that the Otago Regional Council must recognise and provide for in managing the use, development, and protection of the natural and physical resources of the coastal marine area:

(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
(d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

These matters have been recognised and provided for within the framework of this Plan. The Plan contains a number of areas which identify those matters, and objectives, policies, rules and other methods which recognise and provide for the matters identified.

2.2.3 Other matters

Section 7 of the Act identifies a number of additional matters that the Otago Regional Council must have particular regard to in managing the use, development, and protection of the natural and physical resources of the coastal marine area:

(a) Kaitiakitanga:
(b) The efficient use and development of natural and physical resources:
(c) The maintenance and enhancement of amenity values:
(d) Intrinsic values of ecosystems:
(e) Recognition and protection of the heritage values of sites, buildings, places, or areas:
(f) Maintenance and enhancement of the quality of the environment:
(g) Any finite characteristics of natural and physical resources:
(h) The protection of the habitat of trout and salmon.

Particular regard has been had to the matters identified and they have been provided for within the framework of this Plan. The Plan contains a number of objectives, policies, rules and other methods which recognise and provide for the matters identified.

2.2.4 Treaty of Waitangi

Section 8 of the Act requires that the Otago Regional Council take into account the principles of the Treaty of Waitangi:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Kai Tahu runanga have been consulted with throughout the development of this Regional Plan: Coast for Otago through a consultative working group established in conjunction with Kai Tahu. The Plan includes a chapter outlining their perspective on the coast, and includes issues, objectives and policies reflecting their concerns.

Appendix 2 attaches to the Plan statutory acknowledgements for the coastal environment of the Otago region, as required by Section 220 of the Ngai Tahu Claims Settlement Act 1998. These acknowledgements

comprise a statement made by Ngai Tahu of the particular cultural, spiritual, historic and traditional association of Ngai Tahu with these areas. The inclusion of Appendix 2 is for the purpose of public information only. It does not form part the Plan.

2.3 Relationship to other resource management documents

This Regional Plan: Coast for Otago fits within a framework of national, regional and local resource management plans and other documents as shown in Figure 2-1.

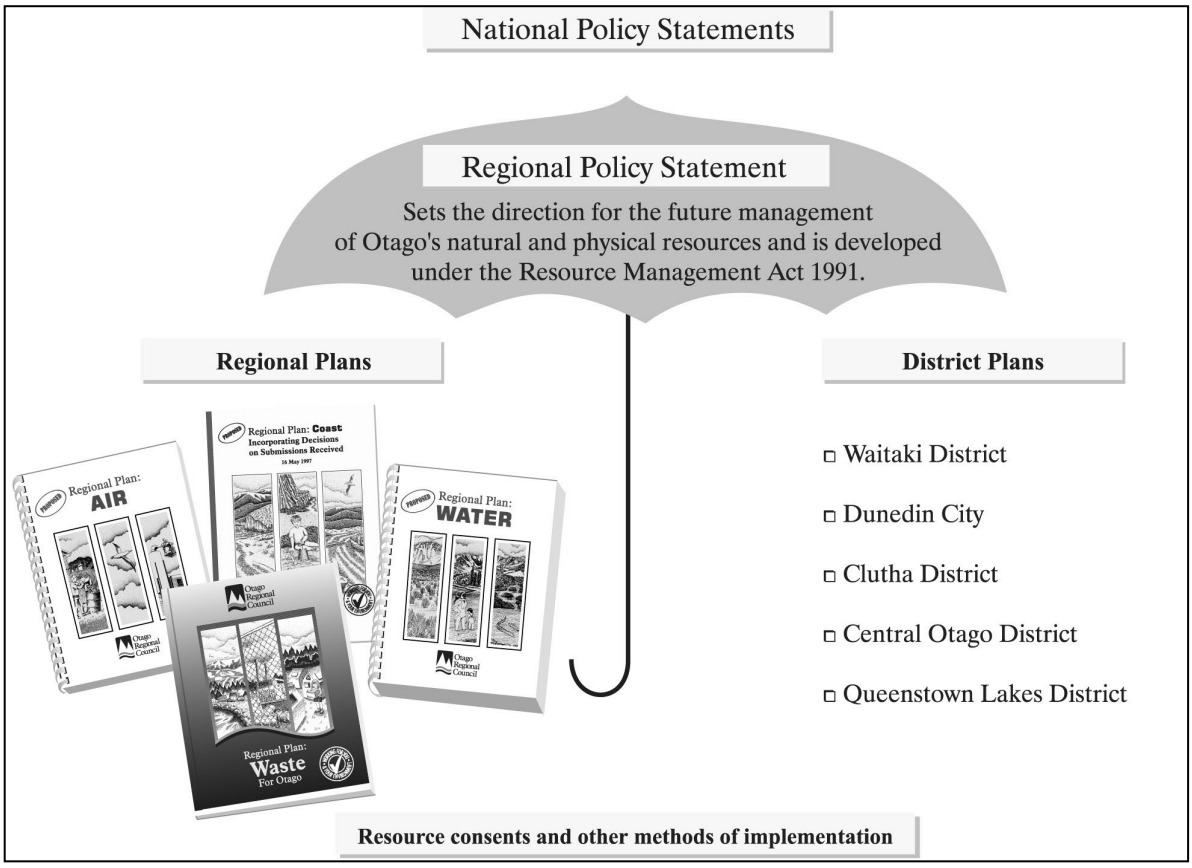


Figure 2.1 Resource management framework

2.3.1 New Zealand Coastal Policy Statement

This Regional Plan: Coast for Otago must give effect to the New Zealand Coastal Policy Statement. The contents of the New Zealand Coastal Policy Statement 1994 have been considered and taken into account in the development of this Plan.

2.3.2 Regional Policy Statement for Otago

The Regional Policy Statement for Otago became operative on 1 October 1998. The objectives, policies and methods have been taken into account in the development of this Regional Plan: Coast for Otago. It may be necessary to review this Plan when the Regional Policy Statement becomes operative.

2.3.3 Other regional plans

This Regional Plan: Coast for Otago is the only plan covering Otago's coastal marine area. Other regional plans developed by the Otago Regional Council will deal with matters related to issues outside of the coastal marine area. There is a need for consistency of objectives, policies, rules and other methods across the line of mean high water springs. This will be achieved through the Otago Regional Council developing measures in both this Regional Plan: Coast for Otago and any other regional plan.

2.3.4 District plans

District plans developed by the district or city council with responsibilities for the land areas adjacent to the coastal marine area control land uses on that land. There is a need for consistency between this Regional Plan: Coast for Otago and any district plan for the adjacent land area.

2.4 Restrictions on use

There are a number of specific restrictions stated in the Act relating to the use of the coastal marine area. Section 12 provides for restrictions on the use of the coastal marine area. Section 14 provides for restrictions relating to the taking, use, damming or diversion of coastal water. Section 15 provides for restrictions on the discharge of contaminants into the coastal marine area. The rules section of this Plan reflect the specific restrictions contained within Sections 12, 14 and 15 of the Act.

2.5 Status of activities

The rules within this Plan determine the status of any particular activity and determine whether a consent is required before that activity can be carried out. A resource consent is required for any activity which this Regional Plan: Coast for Otago specifies as being a controlled activity, a restricted discretionary activity, a discretionary activity, or an activity that does not comply with the provisions of this Plan (a non-complying activity). The Plan also specifies permitted activities and prohibited activities.

2.5.1 Permitted activity

Activities which are specified as permitted activities can occur, without the need to obtain a resource consent, if they are able to comply with the conditions stated within the rule.

2.5.2 Controlled activity

A controlled activity is an activity which the Otago Regional Council will grant a resource consent for. That consent may include conditions relating to the matters which the Council has stated that it will exercise its control over.

2.5.3 Restricted discretionary activity

A restricted discretionary activity is an activity for which the Otago Regional Council has restricted the exercise of its discretion. This means that the Council limits the range of matters it considers and only sets conditions (if the resource consent is granted) that are relevant to the matters to which it has restricted its discretion. The relevant rules of this Plan list these matters.

2.5.4 Discretionary activity

A discretionary activity is an activity over which the Otago Regional Council has retained its discretion as to whether it will grant the resource consent or not. The Council will, in considering any application for a discretionary activity be guided by the policies contained within the Plan, the Regional Policy Statement for Otago, any policies and requirements of the New Zealand Coastal Policy Statement and the requirements of the Act. Conditions may be included on any resource consent granted.

2.5.5 *[Repealed]*

2.5.6 Non-complying activity

A resource consent is also required for any activity that would otherwise not comply with this Regional Plan: Coast for Otago (a non-complying activity). A resource consent may either be granted or declined.

2.5.7 Prohibited activity

In some cases, the Plan specifies certain activities as being prohibited activities. These are activities which can not occur within Otago's coastal marine area, and are activities for which no resource consent will be issued.

2.6 Notification of resource consents

Any resource consent application received by the Otago Regional Council must be **publicly notified** under Section 93 of the Act, unless provided for by Section 93(1), 94(1) or 94D. Public notification allows the community to be involved in assessing whether the proposed activity may cause adverse effects.

Some rules in this Plan expressly permit consideration of a resource consent application **without public notification** in accordance with Section 94D. An application may be notified even when rules in this Plan state that it may be non-notified, if the Council considers special circumstances exist, or if the applicant requests.

If the Council is satisfied that:

- The adverse effects of the proposed activity on the environment will be minor; and
- Every person who may be adversely affected by the activity has given written approval to the activity,

the application **may not be notified**. An application will be notified if the applicant requests, or the Council considers there are special circumstances.

If the Council is satisfied that:

- The adverse effects of the proposed activity on the environment will be minor; but
- All persons who may, in the opinion of the Council, be adversely affected by the activity have not given their written approval,

then notice of the application **may be served** on all persons who may be adversely affected, whether they have given their written approval or not. The application may not be publicly notified. However, the rules in this Plan may provide that notice for an application for resource consent for a controlled or restricted discretionary activity may not need to be served on affected persons.

2.7 Information requirements

Applications for consents must comply with the requirements of Section 88 of the Act. Additional information may be required by the Council in order to be able to assess the effects of any application. These general requirements are contained in Chapter 15 of this Plan.

2.8 Financial contributions

A financial contribution may be required as a condition on a resource consent. A financial contribution is defined by Section 108(9) of the Act as:

(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 provides otherwise; or

(c) A combination of money and land.

Chapter 16 of this Regional Plan: Coast for Otago outlines the circumstances in which a financial contribution may be required and the matters that will be taken into account when determining the nature and extent of any such contribution.

2.9 Section 32

Section 32 of the Act requires councils to be objective in preparing regional plans, and in particular in determining objectives, policies and methods, having regard to alternatives that may be available and the reasons for and against options, including their costs and benefits. The Otago Regional Council has considered these matters in preparing this Plan and is satisfied that the selected objectives, policies and methods are necessary in achieving the purpose of the Act and the most appropriate means having regard to their efficiency and effectiveness.

The principal reasons for adopting the objectives, policies, rules and other methods explain why those objectives, policies, rules and other methods have been included in this Plan.

A separate Section 32 report provides further information on the alternatives that were considered in the development of this Regional Plan: Coast for Otago. There is also a Section 32 report for Proposed Plan Change 1 (Harbourside) to this Plan.

2.10 Other legislation

While this Plan considers the use, development and protection of Otago's coastal marine area pursuant to the Act, there are a number of other statutes which can affect activities occurring in the coastal marine area. These statutes, briefly described below, may themselves require authorisations in addition to any required by this Plan for an activity.

2.10.1 Harbours Act 1950

The Harbours Act 1950 provides for safety and navigation matters, and the standards for ships operating commercially within the coastal marine area. The Harbours Act is administered by the Ministry of Transport.

2.10.2 Fisheries Act 1983

The Fisheries Act 1983 provides for the management and conservation of fisheries and fishery resources within New Zealand and New Zealand fisheries waters. The Ministry of Fisheries is the Crown agency responsible, under the Fisheries Act, for that management and conservation. The Otago Regional Council and the Minister of Conservation are specifically excluded, under the Act, from having any functions relating to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to conserve, enhance, protect, allocate, or manage any fishery controlled by the Fisheries Act. The Fisheries Act also makes provision for the establishment of Taiapure and Mahinga Mataitai areas within the coastal marine area, being areas set aside for Maori customary fishing purposes.

This Regional Plan: Coast for Otago does not contain any provisions relating to the management or allocation of the fishery resource within Otago's coastal marine area.

2.10.3 Building Act 1991

The Building Act 1991 and the Building Regulations 1992 provide a performance based building control system which applies to the construction, alteration, demolition and maintenance of most structures within the coastal marine area. The Otago Regional Council transferred its functions for the administration of the Building Act 1991 and regulations for structures within the coastal marine area to Otago’s territorial authorities.

2.10.4 Marine Reserves Act 1971

The Marine Reserves Act 1971 provides for the setting up and management of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study. The Marine Reserves Act is administered by the Department of Conservation.

2.10.5 Marine Pollution Act 1974

The Marine Pollution Act 1974 makes provision for preventing and dealing with pollution of the sea. Under this Act, the Otago Regional Council is responsible for the coordination of the response to contain and deal with spills of oil within the coastal marine area. This Act is currently under review.

2.10.6 Marine Mammal Protection Act 1978

The Marine Mammal Protection Act 1978 makes provision for the protection, conservation and management of marine mammals within New Zealand and within New Zealand fisheries waters. This Act is administered by the Department of Conservation.

2.10.7 Historic Places Act 1993

The Historic Places Act 1993 promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The provisions of this Act apply in the coastal marine area. Section 10 of the Historic Places Act 1993 makes it illegal to damage, destroy or modify historic sites unless permission has been granted pursuant to the requirements of Sections 11 and 12 of the Historic Places Act 1993. Schedule 2 of the Plan includes historic sites known to exist in Otago's coastal marine area.

2.10.8 Local Government Act 1974

There is an ability under the Local Government Act 1974 to extend the territorial local authority boundaries down to mean low water springs. This would enable territorial local authorities to make bylaws controlling animals, vehicles, fires and litter amongst other things, down to this new boundary.

2.10.9 Maritime Transport Act 1994

The Maritime Transport Act 1994 has an important role to play in the management of the marine environment. This Act is concerned with the protection of the marine environment from hazardous ships, structures and offshore operations, and is also concerned with the protection of the marine environment from dumping, incineration and the storing of wastes. The Maritime Transport Act also establishes the framework for responding to marine oil spills through the development of the Marine Oil Spill Contingency Plan. It is central government who has the responsibility of implementing this Act.

2.10.10 Foreshore and Seabed Endowment Revesting Act 1991

The Foreshore and Seabed Endowment Revesting Act 1991 revoked certain endowments of foreshore and seabed and revested those endowments with the Crown. The Minister of Conservation administers the land.

2.10.11 Conservation Act 1987

The Conservation Act 1987, part of which applies to the coastal marine area, is administered by the Department of Conservation. This Act's purpose is the conservation of New Zealand's natural and historic resources. Within parts of the coastal marine area this Act is used to protect foreshore conservation. The Department also administers coastal marine areas under the Marine Reserves Act 1971, the Reserves Act 1977 and the Wildlife Act 1953. Section 39 of the Conservation Act 1987 details what is construed as an offence in a conservation area, and other Acts have their offence provisions. When people are using this Plan they need to be aware that their proposed use of the coastal marine area might contravene these offence provisions of the Conservation Act 1987.

2.10.12 Defence Act 1990

The Defence Act 1990 identifies the purposes for which the New Zealand Defence Force has been raised and maintained, and defines defence areas. The Act also provides for access to defence areas, including areas utilised for temporary military training activities, to be restricted.

Note: Otago's Coastal Marine Area contains one New Zealand Defence Force Danger Area. This area is off Cape Saunders and is shown on the second map of Schedule 2.

2.10.13 Māori Commercial Aquaculture Claims Settlement Act 2004

The Māori Commercial Aquaculture Claims Settlement Act 2004 provides a full and final settlement of Māori claims to commercial aquaculture since 21 September 1992 and for the allocation and management of aquaculture settlement assets. Section 12 of this Act enables the Crown to declare space in the coastal marine area to be an aquaculture settlement area. Aquaculture settlement areas must be shown in regional plans and are subject to the restrictions in section 165E of the Resource Management Act.

2.11 International obligations

New Zealand is a party to many international obligations concerning environmental management. Where the Government has accepted international obligations which affect the coastal environment, the intention is that guidelines shall be issued from time to time by the Government outlining the manner in which these obligations can best be carried out and implemented. Some examples of New Zealand's international obligations which relate directly to the coastal marine area are:

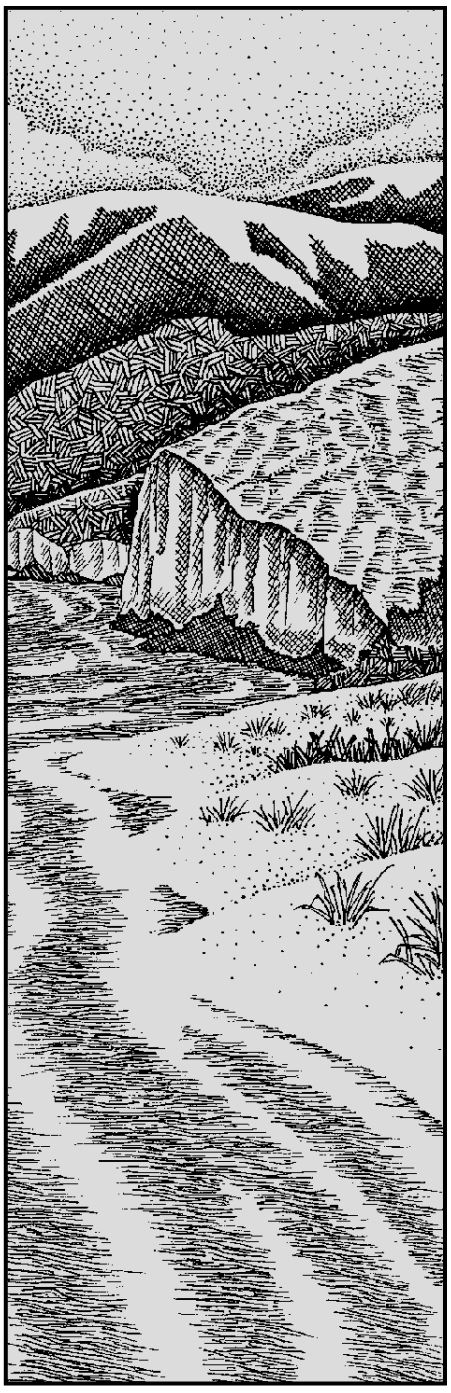
- The London Convention which seeks to prevent and control pollution of the sea caused by the dumping of waste and other matter. To achieve this the

Government will promote effective control of pollution of the marine environment and take all practicable steps to prevent pollution of the sea by the dumping of wastes and other matter that is harmful to people, marine life, amenity or legitimate uses of the sea.

- The Marpol Convention which seeks to prevent pollution of the marine environment by oil and other harmful substances and the minimisation of accidental discharge of these substances.

3

Otago Coastal Description



3.1 Introduction

Otago's 480 kilometre coastline is diverse and beautiful. In the north, the cobble beaches of the Waitaki Fan reach as far south as Cape Wanbrow. The rest of the coastline is made up of alternating cliff headlands and sand beaches, interrupted by the ancient Dunedin Volcano, now Otago Harbour. Rivers ranging in size from the large Waitaki and Clutha/Mata-Au to the many small rivers of the Catlins coast drain the high inland plateau, carrying sediments and fresh water to the sea. Many of the river mouths form estuarine wetlands of significant importance to both marine and freshwater wildlife. There are two urban areas, Oamaru (12,000 people) and Dunedin (114,000 people), as well as many small fishing and holiday communities. Offshore, the sea floor shelves out for about 30 kilometres, and then abruptly steepens. This marks the ancient coastline of Otago, when sea level was lower.

Much of Otago's coastal land has been modified from its original bush clad state, with farmland dominating much of the coastal edge and urban areas being spread along its length. Otago's largest urban areas, Dunedin and Oamaru, have been developed around harbours and their citizens have almost direct access to the sea. There are still a few places where forests extend to the margin of the coastal marine area. Here the sequence of changing vegetation type with increasing oceanic influence can be observed in a nearly unmodified state. Most of these forested areas are found in the Catlins area but a few do exist to the north. On the seaward side, apart from some localised areas of development around commercial and fishing port areas, much of Otago's coast below the line of mean high water springs is undeveloped and unmodified.

Otago Harbour is home to Otago's only commercial port, with facilities being located at Port Chalmers and in the upper harbour basin area. The commercial port has had a long historical association with the harbour and is now the main export gateway for the region's produce. The existing nature of activities within and immediately adjacent to the commercial port area are of a commercial and ongoing nature.

The rocks that outcrop along Dunedin's coast represent the major stages of geological history, beginning with the schistose of Gondwana, followed by two sedimentary sequences interrupted by the eruption of the Dunedin Volcano, and finally modern glacial and interglacial deposits. There are many other significant cliffed and rocky coastal landforms along Otago's coast which are of geological interest and provide an important environment to significant communities of flora and fauna. Sediments offshore reflect the land rocks, as much of the material is weathered from land. The rest is shell material. Modern muds, sands, and gravels lie close to shore, with their distribution reflecting the locations of river mouths. Ancient gravels and sands from the last glacial period mantle the mid-to-outer shelf, and relict sandy muds line the submarine canyons and slope bottom.

Water masses with different salinities and temperatures have different densities, which tends to inhibit mixing. About 20-30 kilometres offshore of Otago, the warm and salty Southland Current intrudes on the "normal" cool and less saline subantarctic surface water. Near shore coastal water is extremely variable and strongly influenced by runoff and river levels. The boundary between warm subtropical water and cool subantarctic water (the Subtropical Convergence) is a large scale feature of the Southern Ocean. The

east coast of the South Island is one of the very few places in the world where this global front approaches land.

In general, longshore drift, tidal flow, large-scale currents, dominant wave pattern and winds all combine to move water north east along the Otago coast. Sediment transport in a north easterly direction is a direct result of these forces. There are a few local southerly eddies, but the net transfer of water and sediment in Otago is to the north east.

Although a few studies have considered nutrient levels and heavy metal concentrations in sea water, little is known regarding the chemistry of Otago's seas.

Most vertebrates are swimmers. Sharks and other fish, whales and dolphins are some of the well-known swimming marine vertebrates, which inhabit Otago's coastal marine area. Otago is home to some rare and significant sea birds, in particular Royal albatross and yellow-eyed penguin. The region also has significant communities of wading birds. New Zealand fur seals commonly haul out on Otago's rocky coasts.

Below mean high water springs there are a variety of habitats used by a wide range of marine species. Many habitats contain fish species, which are important for recreation, commerce and as a food source for the many protected marine mammals and seabirds. Adjacent to the land there are the intertidal areas which can be broadly classified into estuaries, wetlands, beaches and rocky shores. These are important feeding and breeding habitats for seabirds and marine mammals.

Directly below the influence of the tide are the rocky reef, kelp forest and soft shore communities. Rocky reefs contain a broad range of marine species and have the greatest diversity of life of all subtidal habitats. The large variety of fish is an important food source for seabirds and Hookers sea-lion.

Further offshore but still within 12 nautical miles of the coast other soft bottom communities important to the multi species trawl fishery are found. These marine communities include red cod, rig, gurnard and barracouta. Otago is also unusual in that there is a deep water scallop fishery within the inshore area.

Most of the Otago coast is in fairly constant, although minor, retreat. There are only very small areas that are actually growing. Where underlying rocks are hard enough, cliff retreat is minimal, but almost all soft sediment parts of the coast are either retreating or shifting. North Otago from the Waitaki River to Moeraki experiences the most coastal erosion in the region, and river mouths are subject to flood-related shifting.

There are numerous coastal structures on the Otago coastline. The vast majority are located in Otago Harbour, due to the extensive recreational and shipping needs of Otago's largest city. Other ports and small communities along Otago's coastline may have only a wharf or a rocky seawall.

Pollution at detectable levels (and therefore subject to study) in New Zealand tends to be concentrated in estuaries or near cities. Otago's coastal seas are most affected by human sewage (4 major and about 8 minor outfalls), stormwater, and agricultural pollutants such as fertilisers, and animal wastes. Industrial wastes may have

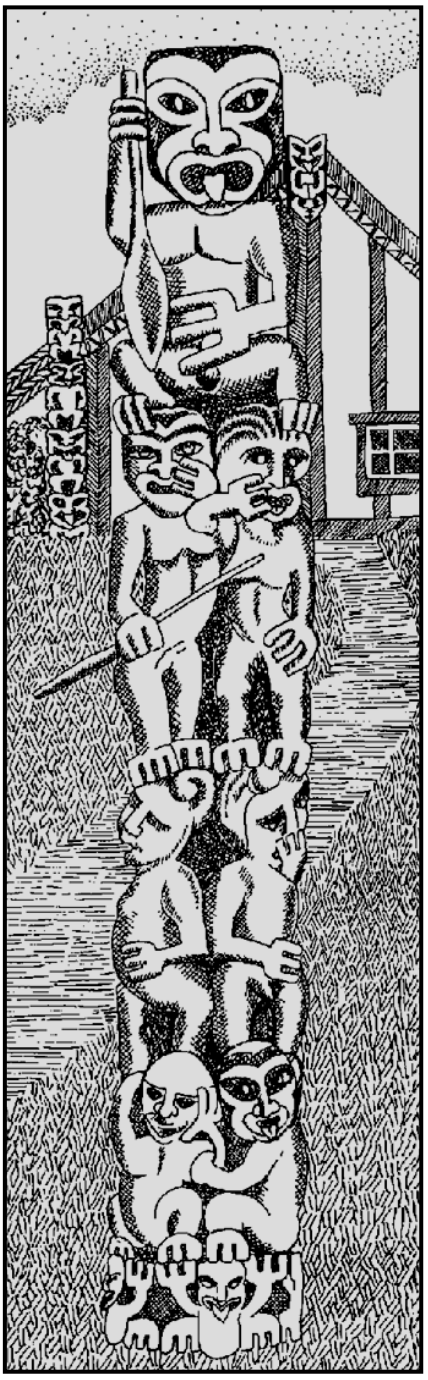
considerable impact on a small scale, but there are only a few sources. There is potential for hydrocarbon spills in port areas and on wharves with diesel pumps.

There are more than 80 protected areas along the landward edge of Otago's coastline, ranging from scenic, recreational, and historical reserves to wildlife and bird sanctuaries. Most of these fall under the jurisdiction of the Department of Conservation with the rest being primarily managed by territorial authorities. At the present time, there are no marine reserves.

The coastal environment is a very important place where the people of Otago can pursue various recreational activities. The coast is used for many active recreational pursuits such as yachting and rowing. The coast also has significant amenity value to the people actively using the coast and to those people who choose to live in locations from where they can observe the coast.

4

Kai Tahu Perspective



4.1 Introduction

This chapter of the Regional Plan: Coast for Otago has been contributed by Kai Tahu.

The term "Kai Tahu", as used in this document refers to the kupenga (net) of whakapapa that embraces the three constituent indigenous iwi of Otago, being Kai Tahu, Kati Mamoe and Waitaha. The use of the term Kai Tahu hereafter in the Plan is inclusive of those three iwi.

The whanau and runanga of Otago who developed this chapter of the Plan and who were consulted over the development of the entire Plan were:

- Te Runanga Moeraki

  Based at: Moeraki
  Area of influence: Waitaki River to Waihemo (Shag River)

- Kati Huirapa Runanga Ki Puketeraki

  Based at: Puketeraki, Karitane
  Area of influence: Waihemo River to Heyward Point

- Te Runanga Otakou

  Based at: Otakou
  Area of influence: Purehurehu (Heyward Point) to Mata-Au (Clutha River) (a shared interest with affiliated groups)

- Otokia Whanau

  Based at: Brighton
  Area of influence: Makeratu (Black Head) to Bruces Rocks

- Moturata/Taieri Whanau

  Based at: Taieri Mouth
  Area of influence: Bruce Rocks to Tokomairiro

- Hukanui

  Based at: Kaka Point (South Otago) and McNab (Hokonui),
  Area of influence: Tokomairiro to Turi-Mokomoko (The Brothers Point)

This Regional Plan: Coast for Otago has taken account of the concerns that Kai Tahu hold over cultural and environmental issues associated with Otago's coastal marine area.

4.2 Te Taitoka o Araiteuru - The Tide of the Southern Seas

Whakatauki (proverb)

"Takaroa puukunohi Nui"

"The god of the sea Takaroa can observe all we are doing"

For Kai Tahu the characteristics of the sea and land interface express many values that transcend all aspects of cultural belief, concept and practice.

It is the place of Takaroa the deity who holds domain over all sea life, who is acknowledged by all who enter this domain. It is the medium by which the ancestors arrived in Te Waipounamu and is one of the means by which travel throughout the island was able to occur.

4.3 Place-names

The traditional place names are an oral record of history, traditions and customs. Place-names provide an indicator for a wide range of values that personify the coast, and are a source of the accumulated knowledge of generations that have gone before. They are indicators for today's generation of the resources that were once, or which still are, available, in every bay and area of the coastal environment. The names of kaitiaki atua (guardian deities) responsible for the maintenance of the resources are interspersed along the coastal area.

Ingoa tawhito (traditional ancestral names) also speak of the spiritual values iwi associate with the coast and reaffirm the creation traditions that underlie the very fabric of Kai Tahu culture.

4.4 Resources

For the present and future generations of Kai Tahu, the coastal environment holds many values that range from the spiritual realm to the practical use of coastal resources. It is a taoka (resource) that has sustained the generations through good times and bad.

For past generations, coastal resources were a pataka (food storage) that was of prime importance to the survival of the coastal dwelling communities, of such importance that protocols of access, take and management are deeply embedded in the culture and attitude of Kai Tahu.

4.5 Creation tradition

Respect for the resource is borne of the fact that in Kai Tahu custom, the creation traditions are linked to the whakapapa of Kai Tahu, a tradition that relates to the beginning of time, the separation of the Earth Mother and the Sky Father, and the arrival of the Waka o Aoraki (South Island). This was the celestial canoe that descended from the domain of the Sky Father, a canoe captained by Aoraki, son of the Sky Father.

The creation of bays, harbours and the estuaries important to human habitation is the work of Tuterakiwhanoa a benevolent god who was given the task of making Te Waipounamu habitable. In his work Tuterakiwhanoa was able to call on the assistance of Marokura who was given the task of stocking the sea with fish and sea life.

4.6 Present day

Kai Tahu recognise that recreational, commercial and domestic use of the coastal environment should be available for the good of the society to which all belong.

However, any use and management must respect the traditions and rights of Kai Tahu and leave an environment suitable for generations to come. Kai Tahu have areas of cultural value along the coast, the significance of which has either been ignored or legislated against.

Kai Tahu hope that the consultation process that this Plan puts in place will provide respect for and consideration that areas of significant cultural value deserve, that insensitive treatment of such areas as has occurred in the recent past will be avoided.

The Otago coastal environment is still a major source of food, livelihood and recreation for many Kai Tahu. Without the proper care and management the coastal environment could reach a point where the wastes and toxins from modern society cause irreparable ecological damage.

Kai Tahu have looked to the past to find the real value and relevance of traditional areas for today. They look to the future to ensure that the decisions made will protect their values and leave a pristine environment for the generations of New Zealanders to come, Maori and Tauiwi (Pakeha) alike.

4.7 Environment

Kai Tahu share a strong interest in the maintenance and protection of the wider environmental values that the Otago coastal area contains. Many of the issues raised by runanga fall into this category and have been integrated within the Regional Plan: Coast for Otago.

4.8 Kaitiakitanga

Kai Tahu are kaitiaki of the coastal area of Otago. Cultural values permeate all parts of the coast; values that are subject to the authority of kaitiakitanga. This is a responsibility that can only be exercised by Kai Tahu runanga and individuals who at present are custodians of the cultural connection to the coast for past and future generations.

4.9 Holistic view

Kai Tahu hold a holistic view of people and their relationship with the environment; all things are interrelated. Kai Tahu input into resource policy and plans exhibits an all-embracing concern for the total environment, one result of this being that iwi find it difficult to neatly fit into the parameters that traditionally govern resource management practice. However, it is recognised that for iwi to have their concerns raised, they will need to enter into the processes under the Act in order that their values and concerns are taken account of.

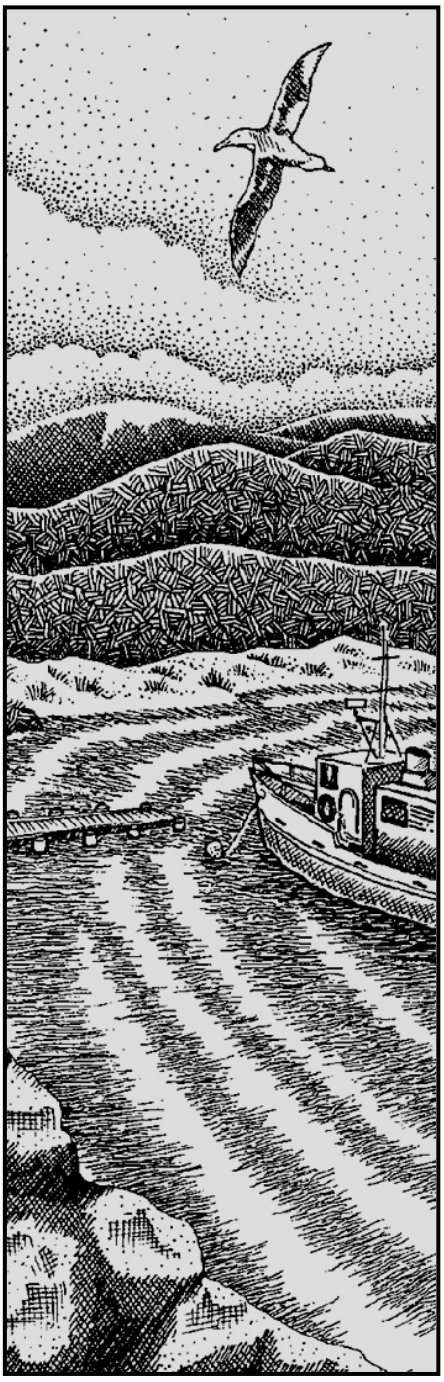
4.10 Consultation

Kai Tahu runanga have clearly indicated that in the future management of the coastal area of Otago, recognition and protection of cultural values through the consultation process is essential. Through the process of consultation, Kai Tahu will retain an active relationship with resource users and management agencies and be in a position to advocate from a cultural viewpoint.

Kai Tahu view consultation as a fundamental tool in achieving mutual understanding and agreement on matters of a cross cultural nature. In Maori tradition, talk was considered to be the food of chiefs. Similarly today in a much changed world, the practical implementation of kaitiakitanga is dependent upon open and informed discussion from which sound judgements can be made. Consultation has been identified by Kai Tahu as the prime tool available to resource agencies in achieving recognition of cultural values.

5

Coastal Management



5.1 Introduction

Otago's coastal marine area extends from the Waitaki River southwards to Wallace Beach (see Figure 1-1).

While the land adjacent to the coastal marine area has been developed by generations of Otago citizens, the coastal marine area (that area from the line of mean high water springs out to 12 nautical miles) has been developed in only a few locations. These areas are limited to the Otago Harbour, with Dunedin surrounding it, Oamaru harbour, with Oamaru spread around it, and some small fishing ports, including Moeraki, Karitane, and Taieri Mouth. Much of the coast is also used by the people of Otago for recreational purposes such as fishing, swimming, surfing, sailing, boating and skin diving.

Otago is also home to a variety of habitats and areas which contain conservation, cultural or environmental values of regional, national or international importance.

Within this Plan, the different values associated with those areas are recognised and provided for by the identification of areas within the coastal marine area. These areas have values associated with them which need to be recognised in the management of Otago's coastal resources. For the purposes of the Plan, five areas have been established:

1. **Coastal Protection Areas**
   These areas have been identified on the basis of their biological, physical or cultural values which need to be recognised and provided for.

2. **Coastal Development Areas**
   These areas have been developed to varying degrees. The coastal development area provides for the recognition of the facilities and infrastructure in those areas, and the values and uses associated with them.

3. **Coastal Recreation Areas**
   These areas have been identified because of their accessibility by the public, their frequency of use, and the facilities and infrastructure such as yachting clubs, surf life saving clubs and navigational markers associated with them.

4. **Coastal Harbourside Areas**
   These areas have been developed to varying degrees. While traditionally developed for port activities and some recreational activity, their function is shifting towards increased recreational and public access opportunities that utilise and enhance the existing structures in the coastal marine area, which span the line of mean high water springs. Improved public access and recreational opportunities in the coastal marine area will create a quality waterfront that integrates with, and supports, development and activities on the adjacent land. Achieving this requires integrated management with the relevant territorial authority. There is currently only one such area; Steamer Basin.

5. Aquaculture Settlement Areas
These areas have been identified by the Crown under the Māori Commercial Aquaculture Claims Settlement Act 2004, to preserve space for settlement purposes under that Act.

These areas do not cover the whole of Otago's coastal marine area. The values contained throughout Otago's coastal marine area are also recognised in this chapter.

This chapter also recognises the coastal marine area adjacent to the marine mammal and bird sites identified in Chapter 6. These areas are recognised because of their value as habitat and points of access to and from the land based sites.

5.2 Issues

5.2.1 Otago's coastal marine area is made up of a number of differing types of areas, each with different values, which should be recognised.

Explanation
Not all parts of Otago's coastal marine area are the same. Some areas are still relatively pristine, while others have been developed. The values associated with different areas depend upon:

(a) The degree of existing use and the physical resources associated with that use;
(b) Any cultural values associated with the area;
(c) The degree to which the area is already developed;
(d) The presence or absence of important ecological habitats;
(e) The natural character of the area, including any scenic and landscape features;
(f) The existence and nature of any physical processes acting on the area; and
(g) The physical characteristics of the area including substrate type, and water depth.

In considering the management of the coastal marine area, this Plan must recognise the different values of the various areas of Otago's coast, and provide an appropriate framework to consider the effects of all activities and uses.

Objective 5.3.1
Policies 5.4.1 to 5.4.9

5.2.2 Amenity, cultural, historical, scenic and ecological values associated with Otago's coastal marine area can be lost over time through inappropriate subdivision, use and development.

Explanation
In considering the management of the entire coastal marine area this Plan must provide a framework which recognises that there are amenity, cultural, historical, scenic and ecological values associated with Otago's coastal marine area which can be lost over time as a result of activities within the coastal marine area.

Objective 5.3.1
Policies 5.4.1 to 5.4.9

5.3 Objective

5.3.1 To provide for the use and development of Otago's coastal marine area while maintaining or enhancing its natural character, outstanding natural features and landscapes, and its ecosystem, amenity, cultural and historical values.

Principal reasons for adopting
There are a variety of activities undertaken within Otago's coastal marine area that provide substantial benefits for people and communities. Those activities within the coastal marine area that are subject to the requirements of the Act should be enabled by the Plan provided their effects on the resources of the coastal marine area are sustainable. Requiring the maintenance or enhancement of the identified values is consistent with Part II of the Act and the objectives of the Regional Policy Statement for Otago. The adverse effects of those activities may be acceptable within some areas of the coastal marine area and not in others. In order to manage the diversity of Otago's natural and physical coastal resources in an efficient and effective manner, it is important that that diversity be recognised within the management framework contained within this Plan. Through the identification of coastal areas of differing sensitivity to adverse effects and the development of appropriate objectives, policies and methods that reflect that differing sensitivity, the framework within this Plan will better ensure the efficient, effective and sustainable management of Otago's coastal marine area.

Chapter 5 Policies 5.4.1 to 5.4.9
All other Objectives

5.4 Policies

5.4.1 To recognise the following areas, as identified in Schedule 2.1, as coastal protection areas within Otago's coastal marine area:

CPA 1 Oamaru Harbour Breakwater
CPA 2 Moeraki Beach
CPA 3 Moeraki Peninsula
CPA 4 Shag Point/Matakaea & Shag River Estuary
CPA 5 Stony Creek Estuary
CPA 6 Pleasant River Estuary
CPA 7 Hawksbury Inlet
CPA 8 Waikouaiti River Estuary
CPA 9 Karitane Headland
CPA 10 Puketeraki
CPA 11 Blueskin Bay
CPA 12 Orokonui Inlet

CPA 13 Mapoutahi
CPA 14 Purakanui Inlet
CPA 15 Aramoana
CPA 16 Historic Otago Harbour walls.
CPA 17 Otakou & Taiaroa Head
CPA 18 Pipikaretu Point
CPA 19 Te Whakarekaiwi
CPA 20 Papanui Inlet
CPA 21 Hoopers Inlet
CPA 22 Kaikorai Estuary
CPA 23 Brighton
CPA 24 Akatore Estuary
CPA 25 Tokomairiro Estuary
CPA 26 Wangaloa
CPA 27 Clutha River/Mata-Au, Matau Branch
CPA 28 Nugget Point
CPA 29 Surat Bay
CPA 30 Jacks Bay
CPA 31 Catlins Lake Estuary
CPA 32 Waiheke Beach
CPA 33 Tahakopa Estuary
CPA 34 Oyster Bay
CPA 35 Tautuku Estuary
CPA 36 Waipati Estuary and Kinakina Island

Explanation
The coastal protection area includes those areas below the line of mean high water springs that are considered to be of regional, national or international importance in terms of their ecological and scenic values, and including those areas having spiritual or cultural significance. All estuarine areas along Otago's coast have been included in the coastal protection area because they are particularly valuable in terms of biological productivity. This productivity results from the continuous flow of nutrients down rivers, the relative shelter compared to the open coast, and the relatively high (in coastal terms) amounts of light available. Estuaries provide a benign environment for flora and fauna and are believed to act as both nursery areas and nutrient suppliers for the open coast and deeper ocean waters. Kai Tahu, in accordance with tikanga Maori, have also identified areas that contain important cultural or spiritual values which the Plan provides recognition for.

A full description of the areas along with maps showing boundaries for each area are contained in Schedule 2.1 of this Plan.

Principal reasons for adopting *[Repealed]*

Other Policies 6.4.3, 7.4.1, 7.4.2, 8.4.1, 8.4.2, 8.4.4, 8.4.5, 8.4.9, 8.4.10, 9.4.1, 9.4.2, 9.4.4, 9.4.5, 9.4.7, 9.4.8, 9.4.10, 10.4.1, 10.4.2,

10.4.3, 10.4.4, 10.4.7, 10.4.9, 10.4.10, 10.4.11, 11.4.1, 11.4.4, 13.4.1, 13.4.2

5.4.2 Priority will be given to avoiding adverse effects on:

(a) The values identified in Schedule 2.1, associated with any coastal protection area; and

(b) The habitat and movement of marine mammals and birds in the coastal marine area adjacent to any marine mammal and bird site identified in Schedule 3.1;

when considering the use, development and protection of Otago's coastal marine area.

Explanation

Priority will be given to avoiding adverse effects on the values associated with any coastal protection area. The coastal protection areas have a wide variety of important values which must be recognised when undertaking activities. Some areas, such as largely unmodified estuaries, are more sensitive than other coastal protection areas and consideration must be given to the natural variations in their sensitivity. There is a concentration of activity by marine mammals and birds in the coastal marine area adjacent to the areas identified in Policy 6.4.3 and listed in Schedule 3.1. The coastal marine area is used for feeding, socialising and gaining access to and from the sites above mean high water springs. The seaward boundary of these areas is variable but diminishes with distance from mean high water springs. These values must also be recognised when undertaking activities.

Principal reasons for adopting

This policy establishes a framework within which the important values of each area and their sensitivity to the adverse effects associated with uses and activities is recognised and provided for.

Other Policies 6.4.3, 7.4.1, 7.4.2, 8.4.1, 8.4.2, 8.4.4, 8.4.5, 8.4.9, 8.4.10, 9.4.1, 9.4.2, 9.4.4, 9.4.5, 9.4.7, 9.4.8, 9.4.10, 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.7, 10.4.9, 10.4.10, 10.4.11, 11.4.1, 11.4.4, 12.4.1, 13.4.1, 13.4.2, 13.4.3, 13.4.4

5.4.3 To recognise the following areas, as identified in Schedule 2.2, as coastal development areas within Otago's coastal marine area:

CDA 1 Oamaru Harbour

CDA 2 Moeraki

CDA 3 Karitane

CDA 4 Otago Harbour

CDA 5 Taieri Mouth.

Explanation

There are a number of developed areas within Otago's coastal marine area. These areas are characterised by having a mixture of structures, facilities and associated infrastructure required by the recreational and commercial activities occurring in those areas.

A full description of the areas along with maps showing boundaries for each area are contained in Schedule 2.2 of this Plan.

Principal reasons for adopting
This policy recognises the importance of the facilities, services, and infrastructure associated with the developed areas for the social, cultural and economic well being of Otago's communities.

Other policies 6.4.1, 6.4.3, 6.4.4, 6.4.2, 7.4.4, 7.4.5, 8.4.1, 8.4.2, 8.4.3, 8.4.5

5.4.4 Regard will be given to the need to provide for the values associated with any coastal development area when considering the use, development and protection of Otago's coastal marine area.

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.

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.

Other Policies 6.4.1, 6.4.3, 6.4.4, 6.4.2, 7.4.1, 7.4.2, 7.4.4, 7.4.5, 8.4.2, 8.4.3, 8.4.5, 8.4.9, 9.4.2, 9.4.3, 9.4.5, 9.4.7, 9.4.8, 10.4.1, 10.4.2, 12.4.1, 14.4.1, 14.4.3

5.4.5 To recognise the following areas, as identified in Schedule 2.3, as Coastal Recreation Areas:

CRA 1 Awamoa Creek Beach
CRA 2 Moeraki Peninsula
CRA 3 Kakanui Beach
CRA 4 Waikouaiti Beach
CRA 5 Warrington Beach
CRA 6 Purakanui Inlet
CRA 7 Potato Point & Long Beach
CRA 8 Spit Beach
CRA 9 Otago Harbour
CRA 10 Careys Bay
CRA 11 St Clair Beach to St Kilda Beach
CRA 12 Second Beach
CRA 13 Brighton Beach
CRA 14 Kaka Point
CRA 15 Catlins Estuary
CRA 16 Tautuku Beach.

Explanation
While all of Otago's coastal marine area is used for recreation, there are parts which are particularly important recreational areas to a variety of people and groups of people. The recreational value of the coastal marine area is an important part of the values to be taken account of when considering activities which might impact on the values associated with the coast.

A full description of the areas along with maps showing boundaries for each area are contained in Schedule 2.3 of this Plan.

Principal reasons for adopting *[Repealed]*

Other Policies 7.4.2, 7.4.3, 7.4.4, 7.4.5, 8.4.2, 9.4.2, 10.4.2, 10.4.4, 11.4.3, 11.4.4, 13.4.2, 13.4.3

5.4.6 Priority will be given to the need to provide for and protect the values associated with the coastal recreation areas when considering the use, development and protection of Otago's coastal marine area.

Explanation
Recreation is one of the important values associated with the coastal marine area. There are parts of Otago's coast which have features which make them desirable for recreational activities. Examples of recreational use of natural features are sailing within Otago Harbour and some of the larger estuaries, swimming at patrolled beaches, surfing at the beaches which have a suitable wave environment, or the less active pursuit of walking along the many accessible beaches. Development of the coast can adversely or beneficially affect the recreational use of the coast. It is important that any adverse or beneficial effect on recreational values is taken account of when considering a proposed use of the coastal marine area.

Principal reasons for adopting
There are non recreational activities which may require a coastal location which can adversely affect recreational values. There are also coastal locations which are suitable for recreational developments. In both instances recreational values must be given appropriate regard to when considering development of the coastal marine area.

Other Policies 6.4.3, 6.4.5, 7.4.4, 7.4.5, 8.4.2, 9.4.2, 10.4.2, 10.4.9, 11.4.3, 12.4.1, 13.4.2

5.4.7 To recognise the following areas, as identified in Schedule 2.4, as a coastal harbourside areas within Otago's coastal marine area:
CHSA 1 Steamer Basin.

Explanation
Coastal harbourside areas are characterised as being traditionally developed for port activities, with future development shifting its focus towards becoming more recreational and people-orientated places. Development within these areas is strongly connected to development undertaken on adjacent land, where activities are managed under a district plan. It is important for development

across the land/water interface to meet quality and design-orientated outcomes so that the values people associate with a recreational and people-orientated place are realised in coastal harbourside areas.

There is currently only one coastal harbourside area within Otago's coastal marine area; Steamer Basin. A full description of the area along with maps showing boundaries is shown in Schedule 2.4 of this Plan.

Principal reasons for adopting
This policy recognises that there are parts of the coastal marine area where there is a shift in focus from port-related areas to recreational and people places that require joint management across the land/water interface to ensure the values people associate with such areas are provided for.

Other Policies 6.4.1, 6.4.3, 6.4.4, 6.4.2, 7.4.4, 7.4.5, 8.4.1, 8.4.2, 8.4.3, 8.4.5

5.4.8 Regard will be given to the need to provide for the values associated with any coastal harbourside area when considering the use, development and protection of Otago's coastal marine area.

Explanation
There are a wide range of activities that can occur in a coastal harbourside area that must be recognised and provided for in the Plan. The consideration of new activities must be set within the context of the uses of the area, the developed nature of the area, and the purpose to which the developed areas are put.

Recreation and public access are important values associated with coastal harbourside areas with their change in focus from traditional port activities to recreation and people places. Development in and around these areas can adversely or beneficially affect public use of these areas. It is important that any adverse or beneficial effect on recreational and public access values is taken account of when considering a proposed use of the coastal marine area in coastal harbourside areas. Examples of activities to be facilitated in the Steamer Basin area include use of small recreational craft, marine type berthage, public events space, departure point for related maritime activities, access for kayaks and public access to the water level. It is anticipated that additional wharves, pontoons and other structures will need to be established to enhance public access and recreation.

Principal reasons for adopting
Providing for increased public use 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.

Other Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4, 7.4.1, 7.4.2, 7.4.4, 7.4.5, 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.9, 9.4.1, 9.4.2, 9.4.5, 10.4.1, 10.4.2, 10.4.9, 11.4.1, 11.4.3, 11.4.4, 13.4.1, 13.4.2

5.4.9 To take into account the values associated with a management area when considering an activity in any adjacent management area.

Explanation
Each management area identified in the Plan contains values which the Plan recognises and provides for. In some cases an activity undertaken in one management area may have an adverse effect on an adjoining management area. In such cases, the values of both management areas will be taken into account when considering the adverse effects in order to achieve integrated management of Otago's coastal marine area.

Principal reasons
This policy recognises that activities occurring in one area of the coastal marine area can have an adverse effect on other areas. Where the two areas are management areas, as defined in this Plan, it will be important that the values identified for each area are taken into account.

Other Policies 6.4.3, 6.4.4, 6.4.5, 8.4.2, 8.4.3, 9.4.2, 9.4.3, 10.4.2, 13.4.2

5.4.10 To recognise and provide for the following elements which contribute to the natural character of Otago's coastal marine area:
(a) Natural coastal processes;
(b) Water quality;
(c) Landforms, seascapes; and
(d) Coastal ecosystems.

Explanation
The natural character of Otago's coastal marine area 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.

Other Policies 6.4.1, 6.4.3, 6.4.4, 6.4.6, 6.4.2, 7.4.3, 8.4.4, 9.4.6, 10.4.3, 10.4.4, 10.4.5, 10.4.6, 10.4.9, 13.4.3

5.4.11 To have particular regard to the:

(a) Amenity values;
(b) Cultural values;
(c) Scenic values;
(d) Ecological values; and
(e) Historical values, including those identified in Schedule 8;

associated with Otago's coastal marine area when considering its subdivision, use or development.

Explanation
Activities within Otago's coastal marine area can result in amenity, cultural, historical, scenic and ecological values being adversely affected. It will be important that particular regard is had to any of those values that might be affected by an activity when considering any subdivision, use or development. The policy provides for that to occur on a case by case basis. Schedule 8 identifies particular historical sites and values that are to be recognised in terms of this policy. Registered historic sites and values are specifically provided for by Policy 5.4.2 and identified in Schedule 2.1.

Principal reasons for adopting
Section 7 of the Act requires that particular regard be had to a number of matters, including the maintenance and enhancement of amenity values, intrinsic values of ecosystems and the recognition and protection of the historical values of sites, buildings, places or areas. It is important that those values are recognised and provided for within this Plan in order that those values are not lost from Otago's coastal marine area.

Other Policies 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 7.4.1,7.4.2, 7.4.3, 7.4.4, 7.4.7, 8.4.1, 8.4.2, 8.4.3, 8.4.4, 8.4.8, 9.4.1, 9.4.2, 9.4.3, 9.4.5, 10.4.1, 10.4.2, 10.4.6, 11.4.1, 11.4.3, 11.4.4, 13.4.1, 13.4.2, 14.4.1, 14.4.2

5.5 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.

5.6 Other methods

There are no other methods.

5.7 Anticipated environmental results

5.7.1 The values associated with areas identified within the coastal protection areas are protected while appropriate use and development is able to occur.

5.7.2 **The use and development of areas within the coastal development area is able to continue while values associated with ecological scenic, recreational, and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district are protected.**

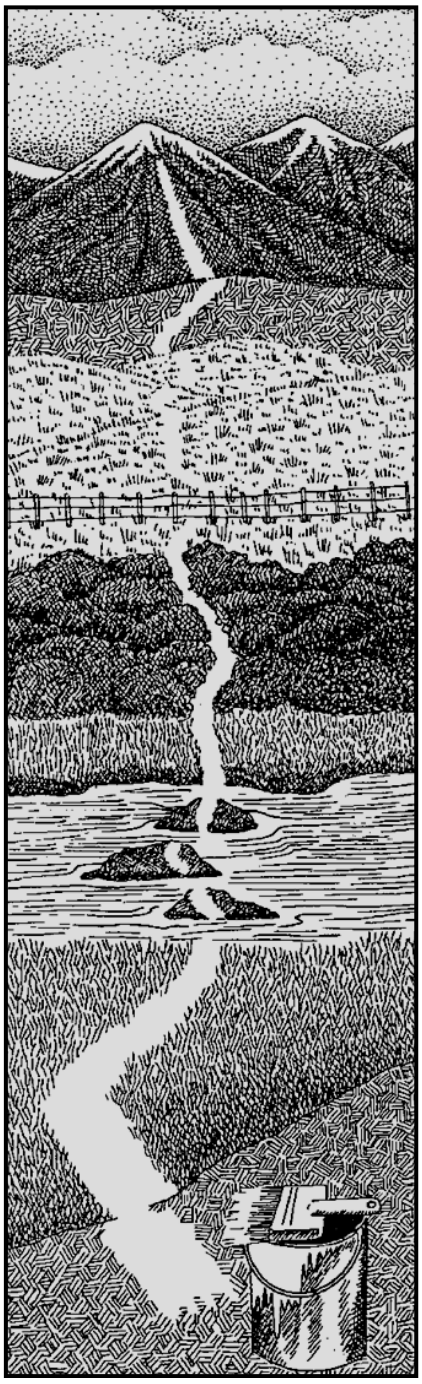
5.7.3 **Activities are able to occur in the coastal marine area while values associated with ecological, scenic, recreational, historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district are provided for.**

5.7.4 **The values associated with areas identified within the coastal recreation areas are protected while appropriate use and development is able to occur.**

5.7.5 **The values associated with coastal harbourside areas are provided for, appropriate development is able to continue and public use of these areas increases.**

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 6.61, 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.

7

Public Access and Occupation of Space

7.1 Introduction

The maintenance and enhancement of public access to and along the coastal marine area has to be recognised and provided for under Section 6(d) of the Act. However, some activities require occupation of the coastal marine area and consequently will restrict public access to areas of the coastal marine area. This Plan considers the need to maintain and enhance public access to and along the coastal marine area, while considering those cases where occupation or restricted access is required.

In the Otago region, as elsewhere around New Zealand, most of the land in the coastal marine area is owned by the Crown. The allocation of Crown foreshore and seabed is incorporated into the coastal permit process. Under Section 12(2) of the Act no person may occupy part of the coastal marine area unless provided for by a rule in a regional coastal plan or a coastal permit. The Department of Conservation has management responsibilities for the 20 metre marginal strips along the coast. Marginal strips are 20 metres in width measured from the mean spring tide mark. Marginal strips are managed for conservation, public access and public recreation purposes. There are also numerous coastal reserves adjacent to the foreshore which serve the same purposes as the marginal strips. One example of this is the Ocean Beach Domain administered by the Dunedin City Council. The bed of the sea from low mark out 12 nautical miles (22.2 kilometres) to the limits of the territorial sea is vested in the Crown by Part I of the Territorial Sea and Exclusive Economic Zone Act 1977.

Some land within the coastal marine area is in private ownership, often it is part of a property title that has been eroded by coastal processes. Kai Tahu have ownership of some sections. Land used for railway purposes is also excluded from crown ownership.

The occupation of space and restriction of public access, as covered by this Plan does not include the temporary occupation of space as a result of the movement of ships. The movement of ships, and any consequential temporary restriction of public access is a safety and navigation matter covered by the Harbours Act 1950. This is particularly so in the commercial port areas within Otago Harbour, given the movement of large ships in confined spaces.

7.2 Issues

7.2.1 Public access to parts of Otago's coast is limited and it is important that public access to and along the margins of Otago's 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 places along Otago's coastline where public access is either restricted or limited and this should be remedied. Improving public access to Otago's coastal marine area is a matter that needs to be considered in conjunction with the relevant territorial local authority and land owner having responsibility for the access points. Access to the coast across land within the planning boundary of a city or district council can only be enhanced by provisions in a district plan. Where possible,

city and district councils have a responsibility to provide for Section 6 of the Act 'matters of national importance', which requires the maintenance and enhancement of public access to and along the coastal marine area. The city and district councils can make provision for access through the use of esplanade reserves, esplanade strips and access strips. When considering future developments within and adjacent to the coastal marine area, provision for public access is essential.

Objective 7.3.1
Policies 7.4.5, 7.4.6, 7.4.9

7.2.2 Some activities in the coastal marine area require occupation and can 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. Some activities, such as some types of aquaculture, marinas and port operations may require occupation 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 and rail networks.

Objective 7.3.2
Policies 7.4.2, 7.4.3, 7.4.4, 7.4.5, 7.4.6

7.2.3 Public access to areas of the coastal marine area may damage areas of importance to the regional community including:
(a) Sites important to Kai Tahu; or
(b) Areas of significant indigenous vegetation and significant habitats of indigenous fauna.

Explanation
In some cases, public access to areas can adversely affect the values associated with those areas. Examples along Otago's coast include the impact of improved public access to yellow eyed penguin breeding sites. Similarly, access to sites of cultural value to Kai Tahu may result in those areas being eroded or degraded and potentially lost from an area. Any improvement in access to such sites needs to be carefully considered in order that the values are able to remain.

Objective 7.3.3
Policies 7.4.1, 7.4.2, 7.4.3

7.2.4 Motorised vehicles on the foreshore may damage intertidal habitats and physical systems, and pose a danger to the public.

Explanation
While some motorised vehicle use of the foreshore may be necessary in some circumstances, it is important to recognise that in general vehicles on the foreshore can result in damage to intertidal areas as a result of the compaction and the disturbance of sand. They may also damage physical systems, such as sand dunes, which are part of the coastal environment. They can also pose a risk to the public who use the area. Restricting the access of vehicles to foreshore areas is a matter that needs to be considered in conjunction with the relevant territorial local authority and land owner having responsibility for the access points.

Objective 7.3.3
Policies 7.4.3, 7.4.7

7.2.5 Whether unauthorised occupations of Crown land in the coastal marine area should be permitted to continue.

Explanation
Uses and activities, including reclamations and structures, which occupied the coastal marine area before the commencement of the Act (1 October 1991) required authorisation under statute. In some cases authorisations were not obtained. In other cases authorisations that were held expired and were not renewed, sometimes through no fault of the occupier. If no authorisation is held, the occupation is unlawful under the Act. Section 12(2)(a) of the Act provides that anybody occupying Crown or regional council land in the coastal marine area must obtain a coastal permit unless there is a rule in a regional plan authorising that occupation. Current unauthorised occupations need to be reviewed in light of the purpose and principles of the Act. Insufficient information is currently available to allow the appropriateness of many uses and activities occupying Otago's coastal marine area to be determined.

Objective 7.3.4
Policy 7.4.8

7.3 Objectives

7.3.1 To maintain and as far as practical enhance public access to Otago's coastal marine area.

Principal reasons for adopting
Section 6 of the Act requires that the maintenance and enhancement of public access to and along the margins of the coastal marine area will be recognised and provided for.

Policies 7.4.5, 7.4.6, 7.4.9
Other Objectives 8.3.1, 8.3.3, 9.3.1, 10.3.1, 10.3.2, 10.3.4

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.

Policies 7.4.2, 7.4.3, 7.4.4, 7.4.5, 7.4.6, 7.4.9
Other Objectives 6.3.1, 8.3.1, 8.3.2, 8.3.3, 8.3.4, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.1, 10.3.6, 11.3.1, 12.3.1

7.3.3 To protect significant coastal values from public access.

Principal reasons for adopting
Sites of Kai Tahu cultural value, sites of significant indigenous vegetation and significant habitats of indigenous fauna may all be adversely affected by increased amounts of public access. Areas used by the public may also be adversely affected by the activities of other users. In some cases, it may be necessary to restrict public access in order that the values associated with those areas are able to remain. Vehicle access will be restricted if special coastal values are at risk.

Policies 7.4.1, 7.4.2, 7.4.3, 7.4.7
Other Objectives 5.3.1, 6.3.1, 8.3.1, 8.3.2, 9.3.1, 9.3.2

7.3.4 To provide a transitional regime for currently unauthorised occupations of Crown land in the coastal marine area during a review of those occupations in accordance with the principles and purposes of the Resource Management Act 1991.

Principal reasons for adopting
Occupation of the coastal marine area requires a coastal permit unless this Plan provides for that occupation. Many existing occupations of Otago's coastal marine area are currently unauthorised. Further information is needed on the nature and extent of those occupations and their effects on the environment in order to determine their consistency with the principles and purposes of the Act. A transitional period is required, giving certainty of occupation while the nature, extent, appropriateness and status of occupations are determined.

Policy 7.4.8
Other Objectives 8.3.1, 8.3.4, 9.3.1, 9.3.3, 9.3.4

7.4 Policies

7.4.1 In order that any proposed restriction on public access, to or along the coastal marine area 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 that would result in a restriction of access to 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 that would result in a restriction of access to the coastal marine area.

Explanation

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each such 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 iwi 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. The Kai Tahu ki Otago Natural Resource Management Plan establishes a process of identifying Kai Tahu sites of spiritual or cultural value, it also lists identified sites. 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).

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.4, 5.4.6, 8.4.2, 9.4.2, 10.4.2, 10.4.3, 10.4.4, 10.4.6

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 *[Repealed]*

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.9, 8.4.2, 8.4.3, 8.4.9, 9.4.2, 9.4.3, 9.4.8

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) To facilitate temporary Navy defence operations in Otago Harbour; or
(f) 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. 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 temporarily 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 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.

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.2, 5.4.4, 8.4.2, 8.4.3, 9.4.2, 9.4.5

7.4.4 Public access to or along the margins of the coastal marine area may be restricted to provide for recreational and cultural activities which require a degree of occupation for short periods.

Explanation
Some recreational activities such as beach volleyball tournaments and community organised fun days typically require short term exclusive use of areas of the coastal marine area.

Principal reasons for adopting
To provide certainty that recreational and cultural uses of the coastal marine area which require short term exclusive use of small areas will be able to occur. Such activities typically have minor adverse effects on the coastal marine area and provide benefits to the community.

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.5, 5.4.6

7.4.5 Alternative forms of access or compensation may be required to compensate for 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 occupation or use rights within the coastal marine area. This policy recognises that there may be alternatives, such as the provision of enhanced access in an alternative location, or the provision of other financial compensation that may compensate for the loss of access. These 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
Section 17 of the Act requires that every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment resulting from an activity. The enhancement of access in alternative locations, or the provision of other forms of compensation can provide mitigation against the loss.

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.2, 5.4.4, 5.4.9, 8.4.2, 8.4.9, 9.4.2, 10.4.2, 10.4.3, 10.4.4, 10.4.6
See also: Chapter 16 - Financial contributions.

7.4.6 The creation of esplanade reserves or strips, and access strips in subdivisions adjacent to the coastal marine area will be encouraged, and they will be required on reclamations unless it is demonstrated that in the interests of public health and safety that they are not practicable.

Explanation
The Act makes provision for the creation of esplanade reserves and strips, and access strips when land along the mark of mean high water springs, or land along the bank of any river or lake margin, is subdivided. The consideration of such reserves and strips is a matter for the relevant territorial local authority

to decide and to choose the most appropriate for the circumstances. The Otago Regional Council will encourage their inclusion in any subdivision. In the case of reclamations, the Otago Regional Council as the consent authority can require the creation of an esplanade reserve or strip, or access strip to provide for the purposes detailed in Section 229 of the Act. Such reserves or strips will be required on reclamations unless there are public health and safety reasons why a reserve or strip is not practicable.

Principal reason for adopting *[Repealed]*

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.2, 5.4.6, 5.4.9, 6.4.2, 9.4.2, 9.4.8

7.4.7 Motorised vehicles will be discouraged from using beaches where that use may adversely affect amenity values, or the safety of other users or damage marine flora, fauna, or physical systems.

Explanation
In some cases, motorised vehicular access to areas of the foreshore within Otago's coastal marine area can result in safety concerns for other members of the public using the area, and can result in damage to flora and fauna within the area. The ability of natural physical systems, such as sand dunes, to act as a buffer between the land and the sea may also be compromised as a result of sand and other material being dislodged.

Principal reasons for adopting
This policy recognises the adverse effects that may result from the use of motorised vehicles on the foreshore and seeks to discourage it.

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 5.4.2, 5.4.6, 5.4.8, 5.4.9

7.4.8 Except where a coastal permit is held, continued occupation for a period of two years from the date of approval of this plan will be allowed for uses and activities occupying the coastal marine area as at 30 September 1991.

Explanation
In this context, a "coastal permit" includes any authorisation under previous legislation which in accordance with Section 384 of the Act has become a deemed coastal permit. Uses and activities occupying Otago's coastal marine area, as at 30 September 1991 which can not demonstrate authorisation under the Act will be given certainty of use and occupation for a period of two years from the date of approval of this Plan. The status and appropriateness of such uses and activities will be determined during that period. Where a coastal permit is held for that use or activity, this policy will not apply and the term of occupation will be as provided for in that permit.

Note: This policy only allows occupation of the foreshore pursuant to the conditions of the expired authorisation, and does not allow the occupier of the coastal marine area to breach the rules in Chapters 8 to 12 of the Plan.

Principal reasons for adopting
The nature, extent, appropriateness and status of uses and activities occupying areas of Otago's coastal marine area as at 30 September 1991 is uncertain and needs to be established in order to ensure that all such uses and activities have been considered within the framework established by the Act. A transitional period is required, giving certainty of occupation, while the nature, extent, appropriateness and status of any occupation is determined. A review of those uses and activities occupying areas of Otago's coastal marine area will be undertaken to ensure compliance with the Act.

Rule 7.5.1
Other Methods 7.6.1 to 7.6.3
Other Policies 8.4.2, 8.4.3, 8.4.5, 8.4.6, 8.4.9

7.4.9 Information on places where the public can gain access to the coastal marine area will be prepared.

Explanation
Often knowledge about where the public can gain access to the coastal marine area is limited. In order to improve public knowledge of where the public can gain access to the coast it is important to identify the established points of access.

Principal reasons for adopting
Policy 8.5.3 of the Regional Policy Statement for Otago also requires maintenance and enhancement of public access to and along the coast.

Rule 7.5.1
Other Methods 7.6.2
Other Policies 5.4.5

7.5 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 an activity involving a restriction on public access to the coast. A consent may also be required under other parts of the Plan for:

- An activity involving a structure or sign (see Chapter 8);
- An activity involving an alteration of the foreshore or seabed (see Chapter 9);
- An activity involving a discharge (see Chapter 10);

- An activity involving the taking, damming or diversion of coastal water (see Chapter 11)

7.5.1 Occupation of the Coastal Marine Area

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:
  (i) 31 Days in any one calendar year if the activity is Navy defence operations in Otago Harbour; or
  (ii) Three days in any 12 month period for any other activity; 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; or
  (iv) Navy defence operations in Otago Harbour; and

(g) Public notice of the activity or event is first given in a local newspaper at least seven days beforehand.

7.5.1.2 Any use or activity occupying Crown land within Otago's coastal marine area on 30 September 1991 which is not authorised by any deemed coastal permit under Section 384 of the Act, is a ***permitted*** activity for a period of two years from the date of approval of this Plan.

7.5.1.3 Any activity involving occupation of the coastal marine area is a ***discretionary*** 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.

7.5.1.4 The occupation of the coastal marine area by any structure which is identified as a permitted activity by rules 8.5.1.1, 8.5.1.2, 8.5.1.3, 8.5.1.6, 8.5.1.7, 8.5.2.1, 8.5.2.2, 8.5.2.3, or 8.5.4.1 is a ***permitted*** activity.

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. As 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.

7.6 Other methods

7.6.1 Consultation

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

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.

7.6.2 Liaison

7.6.2.1 The Council will liaise with Kai Tahu, the Department of Conservation, district and city councils, and with appropriate landowners over the prevention of vehicle access to beaches as necessary to protect cultural values, intertidal habitats, wildlife areas, the public, and natural features of the area.

7.6.2.2 The Otago Regional Council will in conjunction with territorial local authorities and other appropriate agencies identify, and make available information on areas:

(a) Where the public have the right of access to and along the coastal marine area; and

(b) Where it is desirable that physical access to and along the coastal marine area to the public be enhanced; and

(c) Where it is desirable that access to the coastal marine area useable by people with disabilities be provided.

7.6.2.3 The Council will participate in community consultation about the establishment of marine reserves and taiapure and will support the establishment of marine reserves and taiapure which are selected following full community consultation, and which have community support.

Principal reason for adopting

Vehicles have the ability to damage intertidal areas, disturb wildlife and can endanger other users of the beach. Agreement from the landowner controlling the access to the beach where vehicle access is causing concern is required in order to restrict that access. The identification of areas where public access can be improved can only be achieved through liaising with relevant agencies. The Regional Plan: Coast for Otago, because it is limited to the coastal marine area, can not directly provide improved access to areas above the line of mean high water springs. The Regional Policy Statement for Otago supports the development of marine reserves and taiapure which, after community consultation, have the support of the community. Where appropriate, the inclusion of marine reserves and taiapure will assist in the sustainable management of the region's coastal marine area.

7.6.3 Inventory

7.6.3.1 To compile an inventory of all occupations of Crown land in Otago's coastal marine area, and to establish the current status of that occupation within two years of the date of approval of this Plan.

Principal reasons for adopting
An inventory is required to establish the nature and extent of current uses and activities which occupy Crown land in Otago's coastal marine area. Once undertaken, the status of those uses and activities will be determined.

7.7 Anticipated environmental results

7.7.1 The values and concerns of Kai Tahu are considered when considering resource consent applications for occupation of the coastal marine area.

7.7.2 Coastal values which are sensitive to public access are protected.

7.7.3 Public access to and along Otago's foreshore is maintained or enhanced.

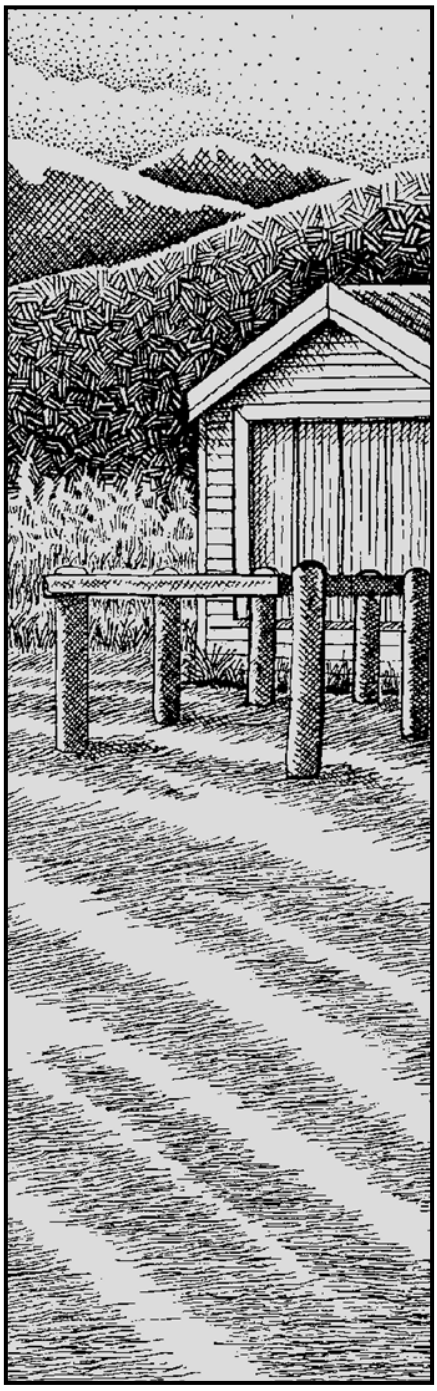
7.7.4 Activities which may restrict public access are able to occur where appropriate.

7.7.5 The foreshore and the public are protected from vehicles where appropriate.

7.7.6 Points of public access to and along the coast via legal public access points are identified

8

Structures and Signs



8.1 Introduction

Coastal structures are often required in the coastal marine area in order to provide for a variety of recreational, commercial or industrial purposes. The definition of a structure is any building, equipment, device, or other facility fixed to land, made by people. A ship moored by its anchor is not a structure. A structure does include:

- Recreational structures such as boat ramps, boat sheds and maimais;
- Commercial structures such as marine farms, port facilities and boat ramps;
- Network utility infrastructure such as pipelines and pylons,
- Protective features such as seawalls and groynes; and
- A raft.

Signs may be required in the coastal marine area to assist with safety, provide information and advice, or identify a structure or location.

No person may 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 (Section 12(1)(b) of the Act). All structures built in the coastal marine area must also comply with the Building Act requirements.

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.

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, tsunami, and storms. These dangers should be considered when building a structure.

Objective 8.3.4

Policy 8.4.7

8.2.7 Inappropriately located or designed signs within coastal harbourside areas can have an adverse effect on public access, visual amenity, safety and navigation.

Explanation
Signs are required in coastal harbourside areas in order to assist with safety, provide information and advice, or identify a structure or location. Signs can detract from public access along wharves or accessways and pose a risk to public safety. Coastal harbourside areas are visually sensitive areas and are viewed by large numbers of people. Inappropriately located or designed signs can obstruct or conflict with navigation and create a hazard.

Objectives 8.3.5
Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10

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.

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

8.3.5 To provide for appropriate signs in coastal harbourside areas while avoiding, remedying, or mitigating adverse effects.

Principal reasons for adopting
Any sign in a coastal harbourside area can create adverse effects on the environment. Adverse effects on public access, visual amenity, safety and navigation need to be avoided, remedied, or mitigated.

Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10
Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3

8.4 Policies

8.4.1 In order that any proposed activity, involving a structure within the coastal marine area 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 involving a structure 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 involving a structure within the coastal marine area.

Explanation

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each 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 8.5.1 to 8.5.4
Other Methods 8.6.1 to 8.6.4
Other Policies 5.4.2, 9.4.1, 9.4.2, 10.4.1

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 and 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, 9.4.2, 10.4.2

8.4.3 To recognise and have regard for the values and uses associated with coastal development areas and coastal harbourside areas when considering activities involving structures in and adjacent to coastal development areas and coastal harbourside areas.

Explanation
There are a wide range of existing activities occurring within the coastal development areas and coastal harbourside areas that must be recognised and provided for in the Plan. The consideration of new activities in these areas must be set within the context of the existing uses, the developed nature of the areas, and the purpose to which the 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, 5.4.8, 5.4.10, 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 feature, such as a harbour or bay, is suited to specific commercial, recreational or cultural uses.

Principal reasons for adopting *[Repealed]*

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 8.6.1 to 8.6.4
Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.8, 6.4.1, 6.4.2, 9.4.10, 10.4.12

8.4.6 When considering structures 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 structures locating in 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 structures 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.

Rules 8.5.1 to 8.5.3
Other Methods 8.6.1 to 8.6.4
Other Policies 5.4.2, 5.4.4, 5.4.6, 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.6, 10.4.8

8.4.7 To encourage new structures 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 structures in the coastal marine area. The additional 0.3 metres will be above the level presently required to keep the main platform of a structure above the water level expected at mean high water, and including the 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 structures within the coastal marine area.

Rules 8.5.1 to 8.5.3
Other Methods 8.6.1 to 8.6.4
Other Policies 5.4.4, 9.4.9, 14.4.3

8.4.8 To require the removal of any structure that is abandoned or redundant by the holder of the consent authorising that structure.

Explanation

The holder of a consent authorising a structure will be required to remove that structure if it is abandoned or no longer required within the coastal marine area. Where an abandoned structure becomes a hazard to people or the environment and the owner cannot be identified the Otago Regional Council will remove the structure. This policy is not intended to apply to historic hulks and other significant structures with heritage values located either within or outside a coastal protection area.

Principal reasons for adopting
Structures occupy areas of the coastal marine area to the exclusion of the public and can result in a loss of natural character from an area. Where those structures are abandoned or no longer required, they should be removed.

Rules 8.5.1 to 8.5.3
Other Methods 8.6.1 to 8.6.4
Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.9, 6.4.3, 6.4.4, 9.4.6, 14.4.1, 14.4.2

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

8.4.10 Signs within coastal harbourside areas are to be located and designed in a manner that is consistent with development in the area, while having regard to public access, visual amenity, safety and navigation.

Explanation
There is a need for a variety of signs in coastal harbourside areas to assist with safety, provide information and advice, or identify a structure or location. Signs can have an adverse effect on the uses and values associated with a coastal harbourside area if not appropriately located and designed.

Principal reasons for adopting
Coastal harbourside areas are characterised as being developed areas that are changing in focus from traditional port activities to recreation and people places with enhanced access to the coastal marine area. Signs are required to assist people to move efficiently and safely, and need to be consistent with development in the area.

Rules 8.5.1.7, 8.5.1.10, 8.5.2.3, 8.5.2.4, 8.5.3.1, 8.5.3.2
Other Methods 8.6.1 to 8.6.4
Other Policies 5.4.3, 5.4.4, 5.4.7 to 5.4.11, 6.4.1, 6.4.2, 7.4.1 to 7.4.4

8.5 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 an activity involving a structure. 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 an alteration of the foreshore or seabed (see Chapter 9);
- An activity involving a discharge (see Chapter 10); and
- An activity involving the taking, use, damming or diversion of coastal water (see Chapter 11).

It is important that applicants for coastal permits to build or alter a coastal structure determine whether or not they require a building consent. The Building Act 1991 requires that a building consent is obtained before constructing most structures. However, some exemptions do apply.

8.5.1 Erection or placement of a structure or sign

Note: Section 8.6.4.2 of the Plan requires that the Hydrographer of the Royal New Zealand Navy is informed when a new coastal permit is granted for a structure or works in the coastal marine area.

8.5.1.1 The erection or placement of a maimai that is fixed in, on, under, or over any foreshore or seabed 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 the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
(b) The structure is a maximum size of ten square metres; and
(c) The structure is no higher than 2.5 metres above mean high water springs; and
(d) The structure is open piled; and

(e) The structure is at least 90 metres from any adjacent maimai; and
(f) The structure is not located within the following coastal protection areas:
CPA 24 Akatore Creek; or
CPA 33 Tahakopa Estuary; or
CPA 35 Tautuku Estuary; or
CPA 36 Waipati Estuary.

8.5.1.2 The erection or placement of:
(1) A whitebait stand between the mouth and the coastal marine area boundary of the Clutha River/Mata-Au as defined in Schedule 1; or
(2) An eel trap anywhere in the coastal marine area;
that is fixed in, on, under, or over the foreshore or seabed 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 the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
(b) The structure is open piled; and
(c) The dimension of the structure perpendicular to the flow of water is either less than ten percent of the width of the water body or three metres, which ever is less; and
(d) The structure is at least 20 metres from any neighbouring structure, tide gate, flood gate, confluence or culvert; and
(e) The eel trap is not located within the following coastal protection areas:
CPA 24 Akatore Creek; or
CPA 33 Tahakopa Estuary; or
CPA 35 Tautuku Estuary; or
CPA 36 Waipati Estuary.

8.5.1.3 The transfer of a swing mooring, which has a coastal permit, to another location is a ***permitted*** activity provided:
(a) The swing mooring is allowed by a resource consent or a previous authorisation held under the Harbours Act 1950; and
(b) The new location is located within:
(i) Oamaru coastal development area; or
(ii) Karitane coastal development area; or
(iii) Moeraki coastal development area; or
(iv) Mooring sites identified in Schedule 4 which are part of the Otago Harbour Coastal Recreation Area as shown in Schedule 2; and
(c) There is space to accommodate a swinging area without infringing on the swinging area of other ships or colliding with any structures; and
(d) The proposed location will not impede the safe navigation of other ships; and

(e) Written notice is given to the Otago Regional Council before the mooring is transferred; and
(f) The Naval Hydrographer is informed of the movement of the mooring within two weeks of transferring the swing mooring.

Note: The General Harbour (Nautical and Miscellaneous) Regulations 1968 require the written approval of the Otago Harbour Master be obtained before moving a swing mooring.

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 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.

8.5.1.5 The placement of fences in the coastal marine area is a ***permitted*** activity where:
(a) It is no higher than 1.5 metres above the foreshore; and
(b) The fence does not run parallel to the line of mean high water springs; and
(c) The fence is maintained so as to be effective and is removed when it is no longer required; and
(d) A stile is provided and maintained to enable public access over the fence and along the foreshore; and
(e) The fence is not located in the following coastal protection areas identified in Schedule 2 of the Plan:
CPA 24 Akatore Creek; or
CPA 33 Tahakopa Estuary; or
CPA 35 Tautuku Estuary ; or
CPA 36 Waipati Estuary.

8.5.1.6 The placement of a pipe to discharge stormwater, stream water or cooling water is a ***permitted*** activity where:

(a) The length of the pipe is kept as small as is necessary and extends no further than two metres into the coastal marine area from mean high water springs; and
(b) The pipe blends with surrounding landscape; and
(c) The Otago Regional Council is informed of the placement of the pipe before installing the pipe.

8.5.1.7 The erection or placement of a sign within CHSA 1 Steamer Basin is a ***permitted*** activity provided:

(a) It is directional or instructional, and:
  (i) Has a maximum size of 0.25 square metres; or
  (ii) Has a maximum size of one square metre if it is for safety, environmental education and navigational purposes; or
(b) It is a temporary public notice necessary to meet statutory public notification requirements or to protect public health and safety; or
(c) It is temporary and advertising a cultural, religious or recreational event related to activities being undertaken in CHSA 1 Steamer Basin, and:
  (i) Has a maximum size of two square metres; and
  (ii) The cumulative total area of all temporary signs advertising the same community event within CHSA 1 Steamer Basin is a maximum of three square metres; and
  (iii) Is not displayed for more than 21 days before, and 3 days after, the event; or
(d) It is located on a ship or structure, and:
  (i) It relates to the activity being undertaken on the ship or structure; and
  (ii) There is no more than one sign, mounted flat against:
    (1) Each façade of the structure; or
    (2) The starboard or port side of the ship; and
  (iii) Has a maximum size of two square metres; and
  (iv) Is not illuminated; and
  (v) There is no more than one sign mounted at an angle against each façade of the structure, provided the structure is used for public access, and:
    (1) Its lowest point is a minimum of 2.6 metres above any wharf or pontoon structure; and
    (2) It is not mounted on the roof of the structure; and
  (vi) It is not located in a manner that may interfere with visibility or access necessary for safe navigation of ships; or
(e) It is a sandwich board sign, and:
  (i) There is only one sandwich board sign per activity; and
  (ii) It is no higher than 800 millimetres; and
  (iii) It is no wider than 600 millimetres.

8.5.1.8 The erection or placement of any structure, excluding any sign or rock rubble breakwater, that will attach to the Fryatt Street or Birch Street Wharves within CHSA 1 Steamer Basin, is a ***restricted discretionary*** activity provided:

(a) The erection or placement is in accordance with the Harbourside Structure Plan in Schedule 9; and

(b) Any fixed structure is designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the structure being not less than 102.19 metres above the Otago Metric Datum; and

(c) There is no more than one recreational kiosk on the Tewsley Street breakwater structure, as shown on the Harbourside Structure Plan in Schedule 9, and:

  (i) The recreational kiosk does not restrict public access; and

  (ii) The dimensions of the recreational kiosk are no larger than 50% of the width of the Tewsley Street breakwater structure; and

  (iii) The recreational kiosk is no longer than five metres.

In considering any resource consent for the erection or placement of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

(i) Consistency with the Harbourside Structure Plan in Schedule 9; and

(ii) Consistency with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and

(iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with;

  (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and

  (b) AS 4997-2005 being Guidelines for the design of maritime structures; or

  (c) AS 3962-2001 being Guidelines for design of marinas; and

(iv) Construction materials; and

(v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside; and
(vi) The extent to which the structure is designed to be contiguous with adjoining structures, or with land, visually and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and
(vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
    (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf side buildings; and
    (b) Provision is made for water and sewage pump-out facilities; and
(viii) For any building located on a structure, the extent to which:
    (a) Any building above wharf level will facilitate the engagement of the public in nautical activities within CHSA 1 Steamer Basin; and
    (b) Water edge railing, lighting and other fittings, and surface materials complement and enhance the wharves; and
(ix) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and
(x) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and
(xi) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and
(xii) Any adverse effect on natural physical coastal processes operating in the area; and
(xiii) Any adverse effect on any biological community; and
(xiv) Any adverse effect on water quality; and
(xv) Any adverse effect on Kai Tahu cultural and spiritual values; and
(xvi) Any adverse effect on historic heritage values; and
(xvii) The duration of the resource consent; and
(xviii) The information and monitoring requirements; and
(xix) Any existing lawful activity associated with the area; and
(xx) Any insurance or other appropriate means of remedying the effects of failure; and
(xxi) Any bond; and
(xxii) A financial contribution; and
(xxiii) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the

Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

8.5.1.9 Except as provided for by Rules 8.5.1.1 to 8.5.1.6, 8.5.1.8 and 8.5.1.10, 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.

8.5.1.10 Except as provided for by Rule 8.5.1.7, the erection or placement of a sign in CHSA 1 Steamer Basin 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/Mata-Au mouth or eel trap, or the shifting of an authorised swing mooring will have minor adverse effects if the standards or terms are met. 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.

With a focus upon public access and recreational activities, signage within CHSA 1 Steamer Basin is permitted where it meets specified standards. This recognises the function of signage in informing the public of activities while minimising potential effects upon visual amenity for activities on the adjacent land. The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area. Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the areas within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor. Any other activity involving the erection or placement of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.

8.5.2 Maintenance, extension, alteration, replacement or reconstruction of a structure

Note: The Harbours Act 1950 requires that the Director of Maritime Transport is informed of:

(a) Any change to a navigational beacon, and that the written permission of the Director is obtained before undertaking the work; or

(b) The reconstruction or any change in the size of a structure within two weeks of completing the work.

8.5.2.1 The extension, alteration, replacement or reconstruction of any navigational aid is a ***permitted*** activity provided:

(a) Written notice of the proposed extension, alteration, replacement or reconstruction is given to the Otago Regional Council; and

(b) The Naval Hydrographer is informed of any change in size or position of the aid.

8.5.2.2 The maintenance, extension, alteration, replacement or reconstruction of any wharf or, marina, or line or structure (or part thereof) used for telecommunication or radiocommunication operations, or rail structure within a coastal development area, is a ***permitted*** activity provided:

(a) The maintenance, extension, alteration, replacement or reconstruction is for the purposes of improving the safety of the wharf or marina, or the safety and/or performance of the telecommunication or radiocommunication line or structure; and

(b) The maintenance, extension, alteration, replacement or reconstruction does not result in a change greater than 5% to the area of the wharf or marina, or incremental change in area greater than 5% in any five year period; and

(c) The maintained, extended, altered, replaced or reconstructed telecommunication or radio-communication line or structure shall not extend:

  (i) More than 10 metres above an existing building or structure on a wharf or marina when it is attached to the building or structure; or

  (ii) More than 15 metres above the main platform of a wharf or marina when it is attached directly to the main platform of a wharf or marina; and

(d) Written notice of the proposed maintenance, extension, alteration, replacement or reconstruction is given to the Otago Regional Council.

8.5.2.3 The maintenance, alteration, replacement or reconstruction of a structure, or part of the structure outside a Coastal Development Area, that is fixed in, on, under, or over any foreshore or seabed, other than as specified in rule 8.5.2.1 or 8.5.2.2 is a ***permitted*** activity provided:

(a) It does not result in a change to the overall dimensions or outline of the structure; and

(b) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and

(c) As far as is practicable the work on the structure results in the structure blending in with the character of the adjoining landscape.

8.5.2.4 Except as provided for by Rule 8.5.2.3, the maintenance, extension, alteration, replacement or reconstruction of the Fryatt Street or Birch Street Wharves, or of any structure or part of any structure, excluding any rock rubble breakwater, attached to the Fryatt Street or Birch Street Wharves, is a ***restricted discretionary*** activity provided:

(a) The extension, alteration, replacement or reconstruction is in accordance with the Harbourside Structure Plan in Schedule 9; and

(b) The Birch Street and Fryatt Street Wharves, or any other fixed structure are designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the wharf or structure being not less than 102.19 metres above the Otago Metric Datum.

In considering any resource consent for the maintenance, extension, alteration, replacement or reconstruction of any structure or part of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

(i) Consistency with the Harbourside Structure Plan in Schedule 9; and

(ii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and

(iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with:
    (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and
    (b) AS 4997-2005 being Guidelines for the design of maritime structures; or
    (c) AS 3962-2001 being Guidelines for design of marinas; and

(iv) Construction materials; and

(v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside; and

(vi) The extent to which the structure is designed to be contigious with adjoining structures, or with land, visually

and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and

(vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
  (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf side buildings; and
  (b) Provision is made for water and sewage pump-out facilities; and

(viii) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and

(ix) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and

(x) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and

(xi) Any adverse effect on the natural physical coastal processes operating in the area; and

(xii) Any adverse effect on any biological community; and

(xiii) Any adverse effect on water quality; and

(xiv) Any adverse effect on Kai Tahu cultural and spiritual values; and

(xv) Any adverse effect on historic heritage values; and

(xvi) The duration of the resource consent; and

(xvii) The information and monitoring requirements; and

(xviii) Any existing lawful activity associated with the area; and

(xix) Any insurance or other appropriate means of remedying the effects of failure; and

(xx) Any bond; and

(xxi) A financial contribution; and

(xxii) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

8.5.2.5 Except as provided for by Rules 8.5.2.1 to 8.5.2.4, any extension, alteration, replacement or reconstruction of an existing line or structure that is fixed in, on, under, or over any foreshore is a ***discretionary*** activity.

Principal reason for adopting

The extension, alteration, replacement or reconstruction 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 proposed regional coastal plan, or a

resource consent (Section 12(1)(b) of the Act). The ability to extend, alter, replace or reconstruct existing navigational aids is given permitted activity status in order to be able to maintain and modify, as necessary, the existing navigational markers in order to provide for the safe navigation of Otago's coastal waters. The ability to extend, alter, replace or reconstruct existing wharves and marinas in any coastal development area is given permitted use status because the adverse effects of such an activity are minor and the activity will result in the improved safety of such structures. Any extension, alteration, replacement or reconstruction that does not result in changed dimensions of the structure is permitted in recognition of the minor adverse effects of such activity. The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area.

Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the geographical locations within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor. Any other activity involving the extension, alteration, replacement or reconstruction of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.

8.5.3 Demolition or removal of a structure

Note:

1. The Harbours Act 1950 requires that the Director of Maritime Transport is informed of:

(a) Any change to a navigational beacon, and that the written permission of the Director is obtained before undertaking the work; or

(b) The reconstruction or any change in the size of a structure within two weeks of completing the work.

2. It is necessary that the Hydrographer of the Royal New Zealand Navy is informed of the demolition or the removal of a structure within 2 weeks of completion so that navigational charts can be updated.

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 foreshore or seabed 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 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, illegal or unsafe; and

(d) All material removed or demolished from the structure is removed from the coastal marine area; and
(e) Written notice of the proposed demolition is given to the Otago Regional Council; and
(f) The structure is not a historic structure, or its removal does not disturb adjacent historic sites listed in Schedule 2 of the Plan or in the New Zealand Historic Places Trust Register for Otago.

8.5.3.2 Except as provided for by rule 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 foreshore or seabed is a ***discretionary*** activity.

Principal reasons for adopting
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 proposed regional coastal plan, or a resource consent (Section 12(1)(b) of the Act). 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 in order that any adverse effects can be assessed. Historic structures and sites are a significant cultural resource which must be given appropriate consideration before any activity is undertaken that may affect them. Appropriate consideration of a historic resource can only be achieved when the activity is considered as a discretionary activity.

8.5.4 Submarine cables

8.5.4.1 The placement, alteration or extension of a submarine cable is a ***permitted*** activity provided:
(a) The cable is laid on or above the surface of the seabed, except where it is laid across a dredged channel where it may be buried; and
(b) Wherever practicable, the cable remains buried where it passes across the foreshore, and where there is an operational need the cable is buried for a maximum of 20 metres seaward of mean low water; and
(c) Any disturbance of the foreshore and seabed is no wider than 1.5 metres, and any disturbance of the foreshore is smoothed over to the same level as the adjacent foreshore, and the restoration blends with the surrounding landscape; and
(d) No contaminants are discharged to water, except for the short term localised re-suspension of foreshore and seabed sediment; and
(e) The cable is not located within the following coastal protection areas:
CPA 24 Akatore Creek; or
CPA 33 Tahakopa Estuary; or
CPA 35 Tautuku Estuary; or

CPA 36 Waipati Estuary; and

(f) The Otago Regional Council is informed of the proposal 10 working days before commencing the work; and

(g) The Naval Hydrographer is informed on completion of the work.

8.5.4.2 Except as provided for in Rule 8.5.4.1, the placement, alteration, or extension of cables within the coastal marine area is a ***discretionary*** activity.

Principal reasons for adopting

The placement of submarine cables can only occur if provided for by a rule in a regional coastal plan or a resource consent (Section 12 of the Act). Often there are no practicable alternatives to the placement of submarine cables in the coastal marine area. The alternatives, such as aerial cables or following the coastal margin for a considerable distance, can have greater impacts on the environment, particularly in terms of visual impact. The placement of submarine cables on the seabed will have a minor effect on the coastal marine area. The small diameter of the cables will cause only minor temporary disturbances to the environment.

8.6 Other methods

8.6.1 Consultation

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

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.

8.6.2 Liaison

8.6.2.1 To hold joint hearings, where appropriate, with adjacent territorial local authorities where resource consent applications for structures below mean high water springs which either require land based facilities or which cross the mean high water springs boundary.

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.

8.6.3 Encouragement and promotion

8.6.3.1 To encourage and promote the removal of structures in the coastal marine area which are no longer needed, abandoned, illegal or unsafe.

Principal reasons for adopting
These structures may be a nuisance, an eyesore, or a hazard to either the public or ships. Their removal would improve the use and enjoyment of Otago's coastal marine area.

8.6.4 Information Provision

8.6.4.1 To provide information on appropriate design criteria for new and existing structures within the coastal marine area in order to minimise any adverse visual impact of those structures.

8.6.4.2 To notify the Minister of Transport, or the authority the Minister delegates powers to, and the Hydrographic Office of the Royal New Zealand Navy of any new structure 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 structure can be minimised in some cases by choosing an appropriate colour and design which blends in with the surrounding environment. Section 395(1) of the Act 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 Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy ensures that mariners know where new structures are and records are kept.

8.7 Anticipated environmental results

8.7.1 The values and concerns of Kai Tahu are fully considered when considering resource consent applications for structures in the coastal marine area.

8.7.2 Structures or the use of structures in the coastal marine area does not result in a loss of cultural or conservation values of the area.

8.7.3 A minimum of structures in the coastal marine area used for activities for which a coastal marine area is not essential.

8.7.4 The placement or erection of structures in the coastal marine area does not result in a loss of natural character from Otago's coastal environment.

8.7.5 Developed areas of the coast continue to develop, while other coastal values are provided for, to meet the social and economic needs of the community.

8.7.6 Structures in the coastal marine area are adequately designed and built to handle possible sea level rise or natural hazards.

8.7.7 Applications for resource consents for structures which might permanently affect water and sediment movement are considered carefully and a precautionary approach is taken.

8.7.8 Ships are able to safely navigate Otago's coastal marine area.

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 º 45.07'S	170 º 42.09'E
45 º 44.95'S	170 º 42.27'E
45 º 44.44'S	170 º 41.78'E
45 º 44.63'S	170 º 41.60'E

(ii) Spit Beach

45 º 45.18'S	170 º 42.74'E
45 º 46.05'S	170 º 42.93'E
45 º 45.72'S	170 º 42.47'E
45 º 46.04'S	170 º 42.33'E

(iii) South Spit Beach (Shelly Beach)

45 º 46.82'S	170 º 42.56'E
45 º 46.65'S	170 º 42.79'E
45 º 46.75'S	170 º 42.96'E
45 º 46.95'S	170 º 42.77'E

9.5.4.2 *[Repealed]*

9.5.4.3 Except as provided for by Rule 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.

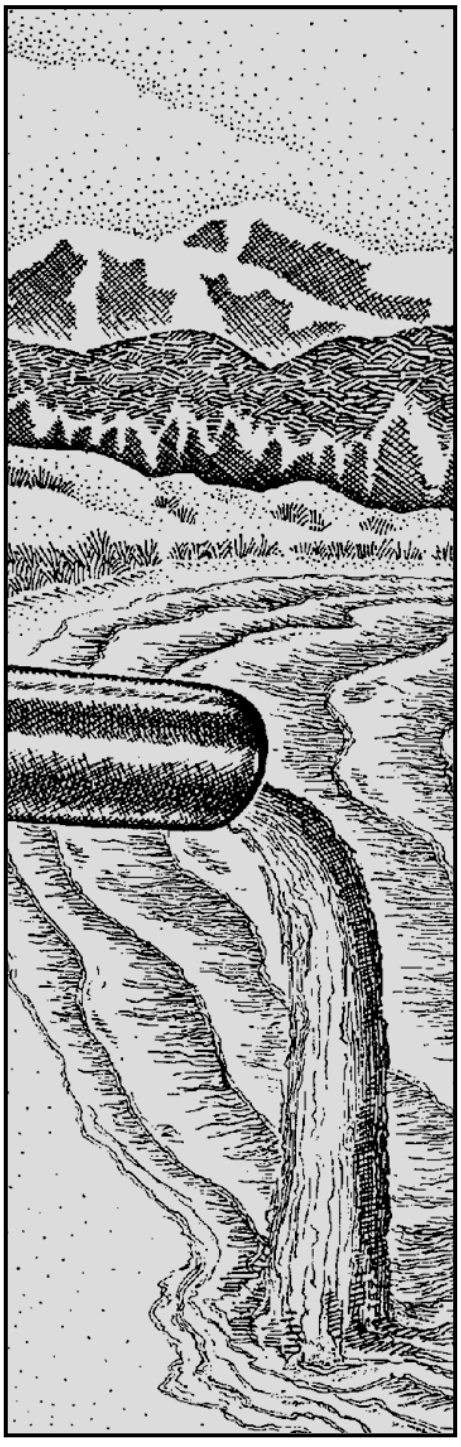
9.7.4 Activities which alter the seabed or foreshore do not result in a loss of the natural character from Otago's coastal environment.

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.

10
Discharges



10.1 Introduction

A high standard of coastal water quality is an important element in the sustainable management of Otago's coastal marine area. That water quality can be affected by the adverse effects associated with the discharges of contaminants resulting from activities within and adjacent to the coastal area.

There are two main types of discharges that can affect water quality. These are generally called point and non-point source discharges. Point source discharges are those discharges that discharge through a pipe or recognisable and definitive point. Non-point source discharges are those discharges that enter a water body from a diffuse source, such as land runoff. For many areas of Otago's coastal water, non-point source discharges are thought to introduce a greater contaminant loading than do point source discharges.

The Regional Plan: Coast for Otago can only deal with the discharges from point sources in the coastal marine area that require a consent. Non-point source discharges and the discharge of contaminants into or onto areas outside of the coastal marine area are dealt with by the Regional Plan: Waste (operative 11 April 1997), and the Regional Plan: Water (notified 28 February 1998). All air discharges, including those in the coastal marine area, are controlled through the Regional Plan: Air (notified 28 February 1998).

When considering water quality issues, and the discharges and activities that affect that quality, this Plan focuses on the effects of those discharges on the receiving environment. The maintenance and enhancement of water quality is required by the Act (Section 69(3)) subject to providing for a mixing zone.

As well as the discharge of water and contaminants carried within water, there is also the discharge or disposal of litter which affects the coastal marine area. Plastic strapping, glass, discarded nets and other material all have the potential to wash up onto Otago's beaches, to catch and ensnare marine wildlife, and to lessen the aesthetic and visual values associated with Otago's coastal marine area.

10.1.1 Discharges from ships

The Otago Regional Council is very concerned about the significant adverse effects associated with discharges from ships of ballast water, garbage, fuel oil and other contaminants.

Because discharges from ships and offshore installations are a national issue, Sections 15A, 15B and 15C have been added to the Act and the Resource Management (Marine Pollution) Regulations 1998 have been made.

A brief summary of these provisions is set out below.

Section 15A prohibits the dumping of waste and other matter in the coastal marine area without a resource consent. Under Section 15B the discharge of harmful substances or contaminants from a ship or offshore installation is prohibited unless either:

(a) The discharge is permitted or controlled by regulations, a rule in a regional plan, proposed plan, or a resource consent; or
(b) After reasonable mixing, the harmful substance or contaminants is not likely to cause:
    (i) the production of any conspicuous oil or grease films, scums, or foams or floatable or suspended materials; or
    (ii) any conspicuous change of colour or visual clarity; or
    (iii) any emission of objectionable odour; or
    (iv) any significant adverse effects on aquatic life.

Section 15C prohibits the discharge of radioactive waste, other radioactive matter, or toxic or hazardous waste.

The Resource Management (Marine Pollution) Regulations prohibit the discharge of plastics, dunnage, lining, and packaging materials from ships. They permit, in specified circumstances and on specified conditions, discharges from ships to avoid, remedy or mitigate the adverse effects of oil spills and the discharge from ships of small quantities of oil, noxious liquid substances, sewage, treated sewage, clean and segregated ballast water and ship garbage. Discharges which are part of the normal operation of a ship are also permitted. Except for the discharge of sewage, the discharges governed by the regulations cannot be the subject of a rule in a regional coastal plan.

Because the Act and Regulations control discharges from ships, there are no rules in this Plan for controlling discharges from ships. This chapter must be read in conjunction with both the Regulations and Sections 15A, 15B and 15C of the Act. These provisions are only summarised here and are liable to change. References should be made to the full text of both the Act and Regulations.

The Biosecurity Act 1993 is used to prevent and control the release of foreign organisms in ballast water discharged from ships or offshore installations.

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 life-supporting 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
Policies 10.4.1, 10.4.2, 10.4.3, 10.4.5, 10.4.6, 10.4.7

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

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
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 leakages 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 leakages. It is therefore important that the mechanisms are set in place to reduce the potential for spills or leakages.

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 Policies

10.4.1 In order that any proposed discharge, into the coastal marine area 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 discharge water or contaminants into 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 discharge water or contaminants into the coastal marine area.

Explanation

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each such 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 iwi 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 10.5.2, 10.5.4, 10.5.5, 10.5.6
Other Methods 10.6.1, 10.6.3, 10.6.5
Other Policies 5.4.1, 5.4.2, 5.4.4, 5.4.9, 8.4.1, 8.4.6

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 and 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

10.4.4 To require an effective mixing zone for discharges of water or contaminants into the coastal marine area which takes account of:
(a) The sensitivity of the receiving environment; and
(b) The particular discharge, including contaminant type, concentration, and volume; and
(c) The physical processes acting on the area of discharge; and
(d) The community uses and values associated with the area affected by the discharge; and
(e) The ecological values associated with the area.

Explanation

Discharges into the coastal marine area result in localised contamination of the waters immediately surrounding the discharge point. A mixing zone is the zone outside of which the contaminant levels of the receiving waters must be at the background values again. The size of the mixing zone will be determined on the basis of the values identified above.

Principal reasons for adopting
Every discharge results in a degradation of the receiving waters. A mixing zone is necessary in order to be able to allow discharges, while taking account of values and the ability of the receiving waters to assimilate those discharges.

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6
Other Methods 10.6.4, 10.6.5
Other Policies 5.4.1, 5.4.5, 5.4.8, 6.4.2, 6.4.5, 7.4.1, 8.4.6, 9.4.6, 14.4.2

10.4.5 To not include intertidal areas within the mixing zones of particular discharges unless the discharge is treated so as to reduce the contaminant loading to an extent that any adverse effects on any intertidal areas can be shown to be minor.

Explanation
Intertidal areas are the areas of land between mean high water springs and mean low water springs. They can be quite ecologically sensitive areas and will not be included within the mixing zones of discharges unless it can be shown that any adverse effects are minor.

Principal reasons for adopting
Intertidal areas, because they are the habitat for a wide range of species, are the most susceptible areas to the adverse effects of contaminant discharges.

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6
Other Policies 5.4.8, 8.4.6, 9.4.6

10.4.6 To restrict the discharge of human sewage or wastes into any marine reserve, taiapure or mahinga mataitai area where that discharge would adversely affect the values associated with the area.

Explanation
Marine reserves are reserves established under the Marine Reserves Act and are based on the preservation of areas for scientific purposes. Taiapure, and mahinga mataitai are areas established under the Fisheries Act for customary Maori cultural reasons. The restriction of discharges into those areas recognises the important values which have been identified through the process of establishing the reserve, taiapure, or mahinga mataitai, and which are provided for by the respective Acts.

Principal reasons for adopting
This policy recognises the importance of the values that have been recognised in the creation of any marine reserve, taiapure or mahinga mataitai area, and restricts the discharge of contaminants that would adversely affect those values

Rules 10.5.2, 10.5.3, 10.5.4, 10.5.5, 10.5.6
Other Policies 5.4.8, 5.4.9, 7.4.1, 7.4.5, 8.4.6

10.4.7 The discharge of a contaminant (either by itself or in combination with other discharges) into the coastal marine area will only be allowed where:

(a) It can be shown that the adverse effects of the discharge to any area, other than the coastal marine area, would create greater adverse effect than the discharge to the coastal marine area; or

(b) There are no practicable alternatives to the discharge occurring to the coastal marine area; and

(c) The discharge is of a standard which will achieve a water quality suitable for contact recreation and shellfish gathering within ten years of approving this Plan.

Explanation
Alternatives to discharging into the coastal marine area will need to be investigated and assessed before any discharge will be allowed to occur. The costs and benefits of discharging to different receiving environments in each case should be considered and, where practicable, the alternative with the least adverse effect chosen. These costs and benefits include an assessment of the financial and technological constraints of the available options.

Principal reasons for adopting
Within Otago, all discharges into the coastal marine area will be required to consider alternatives because of the potential adverse effects associated with those discharges. Policy 8.5.6 of the Regional Policy Statement for Otago promotes a reduction in the adverse effects of contaminants discharged to the coastal marine area. This will be achieved after considering financial and technical constraints in order to meet the social, economic, and cultural needs of Otago's communities.

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6
Other Policies 5.4.1, 5.4.2, 5.4.6, 5.4.8

10.4.8 To reduce the discharge of sewage and garbage from ships into the coastal marine area.

Explanation
Ports and marinas will be required to provide for the collection of garbage from ships using those facilities. All new ports and marinas will be required to provide adequate and convenient facilities to collect sewage from ships. Encouraging the discharge of sewage and garbage into shore based facilities is aimed at reducing the amount of material coming from ships which finds its way into the coastal marine area. Because the Act and Regulations control discharges from ships, there are no rules in the Plan for controlling discharges from ships. Sections 15A, 15B and 15C of the Act and the Resource Management (Marine Pollution) Regulations 1998 have been introduced to achieve national consistency and give effect to New Zealand's international obligations on the control of discharges from ships and offshore installations. The Regulations presently allow the discharge, on specified conditions, of

sewage and treated sewage from both ships and offshore installations, and garbage from ships. Compliance with the Regulations will reduce sewage and garbage discharges. The Otago Regional Council will continue to advocate for tight controls on operational discharges from ships and offshore installations to Otago's coastal marine area.

Principal reasons for adopting *[Repealed]*

Rules 10.5.1, 10.5.6
Other Methods 10.6.3, 10.6.6
Other Policies 8.4.6, 9.4.3

10.4.9 To mitigate the adverse effects associated with the accidental spill, into or within Otago's coastal marine area, of contaminants harmful or hazardous to marine ecosystems and community values.

Explanation
The accidental spill of any contaminant that may result in adverse effects to marine ecosystems and community values will be mitigated by the clean up and dispersal of the spilled contaminant.

Principal reasons for adopting
The accidental spill of contaminants, such as oil and other hazardous substances, into and within the coastal marine area can have significant adverse effects on marine ecosystems and values associated with the coastal marine area. The mitigation of such a spill through the containment of the material and where appropriate, its clean up and dispersal from the coastal marine area will help reduce its potential adverse effect on marine ecosystems, and the recreational, cultural and commercial values associated with the area of the spill.

Other Method 10.6.2
Other Policies 5.4.2, 5.4.6, 5.4.8, 6.4.5

10.4.10 To not allow the storage, use or transportation of nuclear material, other than nuclear material used for medical or research purposes, or the disposal of any nuclear material, or the storage or use of hazardous wastes, within Otago's coastal marine area.

Explanation
The storage of hazardous waste is prohibited within the coastal marine area. The passage of ships armed or powered by nuclear material or the passage of ships carrying nuclear material for use in nuclear power plants or weapons is prohibited. The movement of nuclear wastes originating from areas outside of New Zealand (transhipment), through any port of Otago is prohibited.

Principal reasons for adopting
Policy 8.5.10 of the Regional Policy Statement for Otago prohibits the passage of nuclear armed or powered ships, ships carrying nuclear material for use in nuclear power plants or weapons, or ships carrying nuclear wastes within Otago's coastal marine area. Prohibiting the matters identified in this policy is in recognition of the potentially significant adverse effects resulting from any accident associated with hazardous waste and nuclear material. This policy aims to avoid any adverse effect resulting from such activities within Otago's coastal marine area.

Rule 10.5.5
Other Policies 5.4.1, 5.4.2, 8.4.3, 9.4.3

10.4.11 The storage of contaminants, including hazardous substances, within the coastal marine area, that have the potential to create adverse effects on the coastal marine area will be discouraged and will only be considered where appropriate safety measures and contingency plans have been developed to avoid, remedy or mitigate any adverse effect.

Explanation
The storage of hazardous substances within the coastal marine area can lead to significant adverse effects as a result of the potential for leakage and spills. The storage of such materials, especially those not required for operations in the coastal marine area, will be discouraged in order to reduce the potential for adverse effect. In some cases there are no alternatives to the storage of hazardous substances in the coastal marine area because of operational needs such as having substances ready for oil spill clean up purposes, or the storage of products on wharves associated with the loading and unloading of petroleum products.

Principal reasons for adopting
Hazardous substances, if accidentally released, have the potential to create significant adverse effect on the coastal marine area. Restricting the amount of hazardous substances stored in the coastal marine area lessens the risk of an accident occurring.

Rules 10.5.2, 10.5.4, 10.5.5, 10.5.6
Other Policies 5.4.1, 5.4.2, 8.4.3, 9.4.3

10.4.12 The use of hazardous substances within the coastal marine area will only be allowed where that use is necessary for:
- **(a) The control of plant or animal pests; or**
- **(b) The control of pollution spills; or**
- **(c) The fuelling of ships and machinery permanently located within the coastal marine area; or**
- **(d) The maintenance of ships and structures where no discharge to the coastal marine area occurs.**

Explanation
The use of hazardous substances is sometimes required in the coastal marine area for the purposes of controlling plant and animal pests and for dealing with oil spills. Petroleum products, for the purposes of fuelling and operating ships, are required within the coastal marine area. This provision does not apply to the transportation of hazardous substances in the coastal marine area, including fuel or cargo in ships or other transportation modes. Such transportation is appropriately regulated under other legislation.

Principal reasons for adopting
To recognise the need to control plant and animal pests and to deal with oil spills within the coastal marine area. The use of chemicals which may be classed as hazardous substances may result in less adverse effect on the environment than allowing for the continuation of the pest or oil spill. To provide for the use of petroleum products in the fuelling of ships within the coastal marine area.

Rule 10.5.5
Other Policies 8.4.5

10.5 Rules

Any activity specified in this section as a controlled or 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: 1. The rules in this section provide for discharges to the coastal marine area. 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 an alteration of the foreshore or seabed (see Chapter 9);
- An activity involving the taking, damming or diversion of coastal water (see Chapter 11).

2. The rules in this Plan ***do not*** apply to:

- The dumping of waste or any other matter from any ship, aircraft, or offshore installation in the coastal marine area.
- The discharge of harmful substances or contaminants from a ship or offshore installation in the coastal marine area.

These activities are governed by Sections 15A, 15B and 15C of the Act and the Resource Management (Marine Pollution) Regulations 1998.

10.5.1 Discharge of litter and non-biodegradable waste.

10.5.1.1 The discharge of litter within the coastal marine area is a ***prohibited*** activity.

10.5.1.2 The discharge of non-biodegradable waste into the coastal marine area is a ***non-complying*** 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 litter into the coastal marine area may result in plastics and other material which are persistent in the environment, being spread along beaches or entrapping marine mammals. The periodic maintenance of structures and ships permanently located within the coastal marine area is necessary and may result in the discharge of some non-biodegradable waste, such as small amounts of sand and other waste from sandblasting. The rule recognises that practicable steps will not always prevent some non-biodegradable waste from entering the coastal marine area.

10.5.2 Discharge of human sewage, and wastes from commercial, industrial or production activities.

10.5.2.1 *[Repealed]*

10.5.2.2 Any discharge of human sewage, or waste from a commercial, industrial or production activity, to 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 sewage that has passed through soil and wetland, and the discharge of wastes from commercial, industrial or production activities need to be considered within the same policy framework because of the potential adverse effects arising from those discharges. Any activity involving the discharge of human sewage and wastes from commercial, industrial or production activities, is a discretionary activity in order that any adverse effects can be assessed.

10.5.3 Discharge of stormwater

10.5.3.1 The discharge of stormwater into the coastal marine area is a ***permitted*** activity provided:

(a) The discharge does not include stormwater from any industrial or trade premise, or any human sewage; and
(b) The discharge is into a well flushed area; and
(c) The contaminant or water discharged, after reasonable mixing, does not give rise to all or any of the following effects:
    (i) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
    (ii) Any conspicuous change in the colour or visual

clarity; or
(iii) Any emission of objectionable odour; or
(iv) Any significant adverse effects on aquatic life.

10.5.3.2 Except as provided for by Rule 10.5.3.1, the discharge of stormwater into the coastal marine area is a ***controlled*** activity.

The Otago Regional Council will exercise its control over:
(a) The location of the discharge point.
(b) The volume, rate and nature of the discharge.
(c) The treatment, if any, required prior to discharge.
(d) The duration of the resource consent.
(e) The information and monitoring requirements.
(f) The administrative charges payable.
(g) The review of conditions of the resource consent.

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 stormwater into the coastal marine area needs to be provided for within this Plan as there are few available alternatives to the disposal of water originating from rain events.

10.5.4 Discharges in exceptional circumstances

10.5.4.1 A discharge to the coastal marine area that would not meet the requirements of Section 107(1) of the Act, on the basis of exceptional circumstances, as provided for by Section 107(2)(a) of the Act, is a ***discretionary*** activity.

Principal reasons for adopting *[Repealed]*

10.5.5 Hazardous substances, hazardous wastes and nuclear material

10.5.5.1 The following activities are ***prohibited*** activities in Otago's coastal marine area:
(a) The storage, use, or discharge of hazardous waste, including nuclear waste; and
(b) The passage or presence of nuclear armed or powered ships; and
(c) The passage of ships carrying nuclear material, other than nuclear material used for medical or research purposes; and
(d) The transhipment of nuclear waste originating from outside of New Zealand's coastal marine area.

10.5.5.2 The temporary storage of hazardous substances is a ***permitted*** activity provided:

(a) The hazardous substance is contained in pipes associated with the transfer of fuel between ships and fuel storage facilities; or
(b) The hazardous substance is stored for less than 24 hours within a properly bunded area on a wharf located within Coastal Development Area 4.

10.5.5.3 Except as provided for by Rules 10.5.5.1 and 10.5.5.2 the storage of hazardous substances in the coastal marine area is a ***discretionary*** activity.

10.5.5.4 The use of paints and other hazardous substances in the coastal marine area is a ***permitted*** activity provided:
(a) They do not enter the water of the coastal marine area; and
(b) They are used to maintain ships; or
(c) They are used to maintain structures permanently located in the coastal marine area.

10.5.5.5 The use of herbicides for the purposes of controlling pest plants in the coastal marine area is a ***permitted*** activity provided:
(a) The plant is listed as a pest plant in the Pest Plant Management Strategy 1996; and
(b) The herbicide is approved for use in aquatic environments; and
(c) The herbicide is not persistent in the environment or food chain; and
(d) The discharge is carried out in accordance with any manufacturers' directions, or regulations; and
(e) The person applying the herbicide immediately advises the Otago Regional Council and the environmental health section of the relevant city or district council, of any accidental spill of the herbicide.

10.5.5.6 The use of dispersants for controlling a pollution spill, in the coastal marine area, is a ***permitted*** activity provided:
(a) The discharge is carried out in accordance with the manufacturers' directions, or regulations, and
(b) That nothing in this rule applies to any discharge from a ship or offshore installation for the purpose of avoiding, remedying or mitigating the adverse effects from oil spills if the discharge is authorised by any regulations made under the Act.

10.5.5.7 The refuelling of ships or machinery permanently located in the coastal marine area is a ***permitted*** activity provided there are no discharges to the coastal marine area.

10.5.5.8 Except as provided for by 10.5.5.4 to 10.5.5.7 the use of hazardous substances in the coastal marine area is a ***discretionary*** activity.

Principal reasons for adopting

The potentially significant adverse effects on Otago's coastal marine area resulting from an accident involving hazardous wastes and nuclear material require that the risk, although small, must be avoided. The use of hazardous substances in limited circumstances recognises the need for those uses to be able to occur without intervention. The use of other hazardous substances and the storage of hazardous substances will need to be assessed to determine any adverse effect that might result from that use or storage.

10.5.6 Discharge of water or other contaminants

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° 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; 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.

10.6 Other methods

10.6.1 Consultation

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

10.6.1.2 The Otago Regional Council will consult with Kai Tahu and with other parties over the burial at sea of human bodies, and the spreading of ashes resulting from cremations, in order to identify culturally inappropriate locations for the disposal of human remains, and to discourage the use of those locations for the disposal of human remains.

Principal reasons for adopting
The use of consultation is seen by Kai Tahu as being the most appropriate way to recognise and protect the cultural relationship that they hold with the tai whenua (coastal domain). Iwi Management Plans would form a basis for consultation with Kai Tahu. The disposal at sea of human bodies and ashes can cause offence to Kai Tahu if that disposal occurs in areas of cultural or spiritual importance to them. Consultation with all parties involved is required, in order to identify areas where such disposal would be inappropriate.

10.6.2 Other plans

10.6.2.1 The Otago Regional Council, in consultation with the relevant territorial local authorities in the region, will develop oil spill contingency plans under legislation relating to marine oil spills.

10.6.2.2 The Otago Regional Council will develop methods and strategies to bring about a reduction in non-point source pollution within the Regional Plan: Water.

Principal reasons for adopting
Oil spill contingency plans provide the mechanism to organise and coordinate a response to any oil spill in the coastal marine area. Non-point source pollution can only be considered within plans, which can develop mechanisms to treat the problem at source.

10.6.3 Education and promotion

10.6.3.1 The Otago Regional Council will educate about the need to reduce the adverse effects of the discharge of bilge and ballast water into Otago's coastal marine area.

10.6.3.2 The Otago Regional Council will promote the benefits of disposal to shore based facilities of sewage and garbage from ships, and encourage ship operators to wherever possible, discharge such material to those facilities.

10.6.3.3 The Otago Regional Council will educate and promote generally about the need to maintain and enhance water quality.

10.6.3.4 The Otago Regional Council will educate and promote generally about waste disposal.

10.6.3.5 The Otago Regional Council will encourage new stormwater discharges to discharge only after the stormwater has passed through a soak pit, or provision is made to intercept contaminants from the first flush of a rain event.

10.6.3.6 The Otago Regional Council will encourage existing stormwater discharges to be upgraded so that the stormwater passes through a soak pit, or provision is made to intercept contaminants from the first flush of a rain event.

Principal reasons for adopting
Encouraging a reduction in bilge and ballast water discharges will assist in reducing the associated adverse effects of those discharges. Educating generally about the need to maintain and enhance water quality and about waste disposal generally will help in bringing about improvements to the quality of the coastal marine area. Stormwater discharges to the coastal marine area are normally unavoidable, however in some instances there are mechanisms available to reduce the effects associated with the discharge. Where practicable, it is important that these mechanisms are used.

10.6.4 Review of resource consents

10.6.4.1 The Otago Regional Council will review resource consents as necessary to reflect the need to improve water quality in areas identified as coastal protection areas, coastal recreation areas, and areas adjacent to marine mammal and bird sites as shown in Schedule 2 and 3 of this Plan, and in areas where there is a direct discharge containing human sewage or a direct discharge of waste from commercial, industrial or production activities.

Principal reasons for adopting
Objective 10.3.4 of this Plan identifies the areas where water quality should be enhanced. The review will enable the water quality in coastal protection areas, coastal recreation areas, and areas adjacent to marine mammals and bird sites identified in Schedules 2 and 3, and where there is direct discharge occurring, to be raised, where necessary, to the appropriate standards required by this Plan.

10.6.5 Monitoring

10.6.5.1 The Otago Regional Council will monitor water quality in areas where there is a high public interest or use of the water.

10.6.5.2 The Otago Regional Council will require discharge permit holders to monitor the water quality around their discharge.

Principal reasons for adopting
The Act makes it a duty of regional councils to control the discharge of contaminants to the coastal marine area. To successfully undertake this duty it is necessary to monitor the effects of discharges to the coastal marine area. The Annual Plan sets out a monitoring programme to be undertaken each year.

10.6.6 Provision of facilities

10.6.6.1 The Otago Regional Council will require all new ports and marinas to provide collection facilities for sewage and garbage from ships.

10.6.6.2 The Otago Regional Council will encourage existing ports and marinas to provide collection facilities for sewage and garbage from ships within 5 years.

Principal reasons for adopting *[Repealed]*

10.7 Anticipated environmental results

10.7.1 The values and concerns of Kai Tahu are fully considered when considering resource consent applications for discharges into the coastal marine area.

10.7.2 Discharges into the coastal marine area, after reasonable mixing do not result in:
- **(a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;**
- **(b) Any conspicuous change in the colour or visual clarity;**
- **(c) Any emission of objectionable odour;**
- **(d) The rendering of fresh water unsuitable for consumption by farm animals;**
- **(e) Any significant adverse effects on aquatic life.**

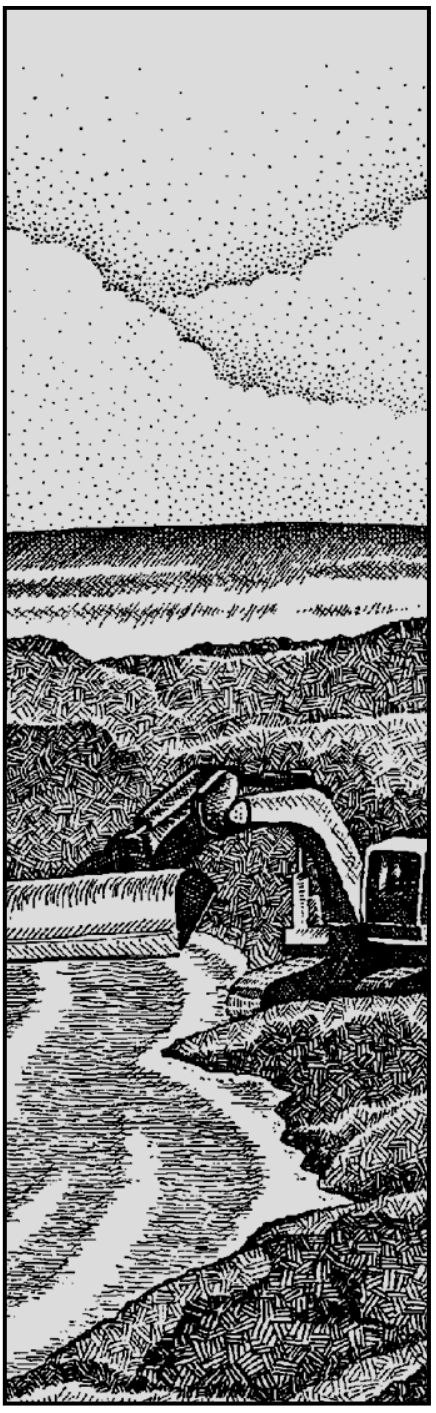
10.7.3 Water quality within Otago's coastal marine area is maintained.

10.7.4 Water quality within Otago's coastal marine area is enhanced 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.**

10.7.5 Spills of contaminants are controlled with minimum adverse effects.

11

Taking, Use, Damming Or Diversion



11.1 Introduction

Section 14 of the Act provides a two tier system of dealing with the taking, use, damming or diversion of coastal water, and the removal of any heat or energy from that water:

(a) The taking, use, damming or diversion of open coastal water (coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments), and the removal of any heat or energy from that water can occur unless this Plan requires that a resource consent be held, or unless an authorisation is already held pursuant to Section 20 of the Act.

(b) The taking, use, damming or diversion of coastal water, other than open coastal water, and the removal of any heat or energy from that water, requires a resource consent unless this Plan allows for that activity, or unless the water, heat or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment, or the water is for fire-fighting purposes.

A distinction is made between the taking of coastal water and the use of that water. "Taking" is the process of extracting the coastal water for any purpose and for any period of time. "Use" is the passive use of coastal water that does not involve any extraction.

The discharge of any coastal water that is taken or used is considered in the discharges chapter of this Plan.

11.2 Issues

11.2.1 The taking, use, damming or diversion of coastal water can cause cultural concern.

Explanation
An activity involving the taking, use, damming, or diversion of Otago's coastal waters can be injurious to the cultural and spiritual values of Kai Tahu.

Objective 11.3.1
Policies 11.4.1, 11.4.3

11.2.2 Ships need to take and use coastal water from Otago's coastal marine area.

Explanation
The ability of ships to be able to take and use water must be recognised in the Regional Plan: Coast for Otago. Such needs include the taking of water for engine cooling purposes, for general ship cleaning purposes and for desalination purposes.

Objective 11.3.1
Policies 11.4.2, 11.4.3

11.2.3 The taking of coastal water from estuaries, inlets, harbours, and embayments may adversely affect the existing biota and community uses and values.

Explanation
Large scale abstractions from enclosed or semi-enclosed coastal water bodies may affect the natural hydrological processes, and may alter the natural salinity of an area. Any adverse effect will depend on the size of the abstractions, the nature and extent of any natural inflows, and the degree of tidal flushing with the open coast.

Objective 11.3.1
Policy 11.4.3

11.2.4 Damming or diversion of coastal water within river mouths and estuaries in the coastal marine area may adversely affect community uses and values, and natural values associated with those areas.

Explanation
The damming or diversion of coastal water is only likely to occur within active river systems which may require some management in order to reduce the risk of flooding, or to retain water for specific purposes. Such activities may alter water flows, salinity patterns, and water depth, which may in turn adversely affect existing values, such as native fish migration, and uses made of those areas.

Objective 11.3.1
Policy 11.4.4

11.3 Objective

11.3.1 To enable the taking, use, damming and diversion of Otago's coastal water while protecting values associated with the region's estuaries, inlets, harbours, and embayments.

Principal reasons for adopting
The taking, use, damming or diversion of coastal water in open coastal areas is unlikely to have any adverse effect on the coastal marine area unless it involves very large volumes. Within any estuary, inlet, harbour or embayment, the taking, use, damming or diversion may have an adverse effect on values associated with those areas depending on the proposed volume. This objective recognises that there is no need to restrict the taking, use, damming or diversion of coastal water where there are no adverse effects.

Policies 11.4.1, 11.4.2, 11.4.3, 11.4.4
Other Objectives 5.3.1, 7.3.1, 7.3.2, 8.3.1, 8.3.2, 9.3.1, 9.3.2, 9.3.4, 10.3.1

11.4 Policies

11.4.1 In order that any proposed taking, use, damming or diversion of Otago's coastal waters 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 take, use, dam or divert Otago's coastal waters from 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 take, use, dam or divert Otago's coastal waters.

Explanation

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each 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).

Rule 11.5.3
Other Method 11.6.1
Other Policies 5.4.1, 5.4.2, 5.4.9, 6.4.2, 9.4.1

11.4.2 To allow the use of coastal water without restrictions.

Explanation

The use of coastal water, in which the water is not extracted for any period of time, will be allowed without restrictions. This recognises that the "use" of water, as opposed to the "taking, damming or diversion" of water will only have minor effects. The use of coastal water is usually associated with passive uses of the water such as the use of waves for energy production. While a consent may be required for any associated structure, a consent for the "use" of the water should not be required because of the minor effects.

Principal reasons for adopting
The use of coastal water (other than open coastal water) can only occur if a resource consent is held, unless this Plan provides for that use (Section 14(3)(a), (d) and (e) of the Act). The use of open coastal water requires a consent only if this Plan requires it. The use of coastal water will have little or no adverse effects on the coastal marine area and should be allowed. Using water within the coastal marine area without taking it applies to activities such as water wheels and wave machines used to generate energy.

Rules 11.5.1, 11.5.2

11.4.3 To allow the taking of coastal water while taking into account community values and needs, and natural values associated with Otago's estuaries, inlets, harbours, and embayments.

Explanation
The taking of coastal water will be allowed where the community values and needs, and natural values associated with Otago's estuaries, inlets, harbours, and embayments are taken into account.

Principal reasons for adopting
The taking of coastal water (other than open coastal water) can only occur if a resource consent is held, unless this Plan provides for that use (Section 14(3)(a) of the Act). The taking of open coastal water requires a consent only if this Plan requires it. Because of the exceedingly large volumes of coastal water available in the coastal marine area, any take of coastal water is unlikely to create adverse effects except within estuaries, inlets, harbours, and embayments. Schedules 2 and 3 identify the important community and natural values which must be taken into account when considering an application for a consent to take water.

Rules 11.5.1, 11.5.3
Other Policies 5.4.5, 5.4.6, 5.4.9, 6.4.2

11.4.4 To restrict the damming and diversion of coastal water that would adversely affect community values and needs, and natural values within coastal protection areas, river mouths and harbours.

Explanation
The damming or diversion of coastal water will only be restricted where that damming or diversion would create an adverse effect on community values and needs, and on any natural values associated with those areas.

Principal reasons for adopting
The damming or diversion of coastal water (other than open coastal water) can only occur if a resource consent is held, unless this Plan provides for that use (Section 14(3)(a) of the Act). The damming or diversion of open coastal water requires a consent only if this Plan requires it. The damming or diversion of coastal water has the potential to adversely affect certain values associated with identified parts of the coast. Schedules 2 and 3 in particular identify those important community and natural values which must be taken into account

when considering an application for a consent to dam or divert water. In addition to those specific values there may be other values that should be taken into account when considering activities in the coastal marine area. An example might be the effect of the damming or diversion of water on the movement of migratory fish species.

Rule 11.5.3
Other Policies 5.4.1, 5.4.2, 5.4.5, 5.4.9, 6.4.2, 9.4.2

11.5 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 the taking, use, damming and diversion of coastal water. 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); or
- An activity involving a structure (see Chapter 8); or
- An activity involving an alteration of the foreshore or seabed (see Chapter 9); or
- An activity involving a discharge (see Chapter 10).

11.5.1 Ships' needs for taking and using seawater

11.5.1.1 The taking or use of coastal water by ships is a ***permitted*** activity.

Principal reasons for adopting
The taking or use of coastal water (other than open coastal water) requires a consent unless this Plan allows for that taking or use (Section 14 of the Act). The taking or use of coastal water for a ship's normal operational purposes, and other purposes, needs to be permitted because the water is necessary for the operation of the ship.

11.5.2 Using coastal water

11.5.2.1 The use of coastal water is a ***permitted*** activity.

Principal reasons for adopting
The use of coastal water (other than open coastal water) requires a consent unless this Plan allows for that use (Section 14 of the Act). The use of coastal water, in which the water is not extracted for any period of time, is unlikely to result in any adverse effect on the coastal marine area.

11.5.3 Taking, damming or diverting coastal water

11.5.3.1 The taking, damming or diversion of coastal water within the coastal marine area is a ***permitted*** activity provided:

(a) The taking is for any fire fighting purposes; or
(b) The taking, damming or diversion is for an individual's reasonable domestic or recreational needs; or
(c) The taking, damming or diversion occurs outside of:
    (i) Any coastal protection area;
    (ii) Any river mouth;
    (iii) Oamaru Harbour; or
    (iv) Otago Harbour.

11.5.3.2 Except as provided for by Rule 11.5.3.1, the taking, damming, or diversion of coastal water is a ***discretionary*** activity.

Principal reasons for adopting
Consideration of any adverse effects associated with the taking, damming or diversion of coastal water within the areas identified is necessary because of the values that may be associated with those areas. The taking, damming or diversion of coastal water from areas outside those identified is unlikely to create any adverse effect.

11.6 Other methods

11.6.1 Consultation

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

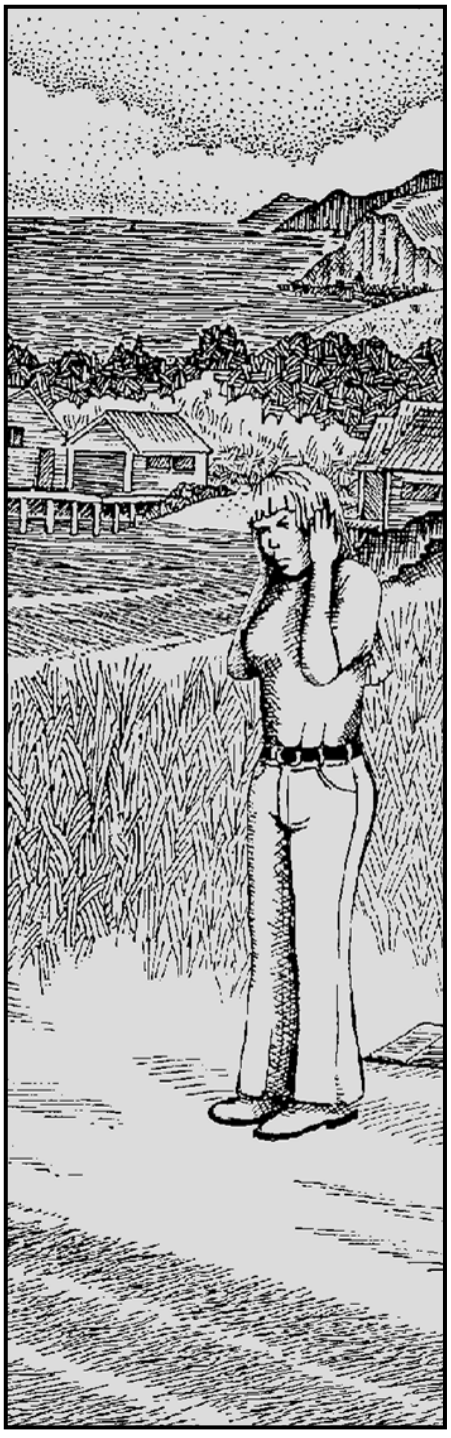
11.6.1.2 Consult with Territorial Local Authorities responsible for land areas adjacent to any proposed damming or diversion.

Principal reasons for adopting
The use of consultation is seen by Kai Tahu as being the most appropriate way to recognise and protect the cultural relationship that they hold with the tai whenua (coastal domain). Iwi Management Plans would provide a basis for consultation with Kai Tahu. Consultation with adjacent Territorial Local Authorities is required in order to deal with any cross boundary issues resulting from the damming or diversion.

11.7 Anticipated environmental results

11.7.1 The taking, use, damming and diversion of Otago's coastal water does not adversely affect community values and needs, and natural values associated with Otago's coastal marine area.

12
Noise



12.1 Introduction

The Otago Regional Council, in conjunction with the Minister of Conservation, is responsible for the control of the emission of noise and the mitigation of the effects of noise within the coastal marine area (Section 30(1)(d)(vi) of the Act). Section 16 of the Act requires that every person carrying out an activity in, on, or under the coastal marine area shall adopt the best practicable option to ensure that the emission of noise from the land or water does not exceed a reasonable level.

This Plan can only consider the generation of noise within the coastal marine area. Noise that is generated on land, but which may affect the users or values associated with the coastal marine area, is under the control of the territorial local authority with responsibility for that land area.

A major source of noise in the coastal marine area is from the operation of ships, both commercial and recreational. Other activities, such as marine farms, marinas, and temporary military training, which also have the potential to generate noise, can be considered through the management framework established by this Plan.

12.2 Issue

12.2.1 The emission of excessive noise within Otago's coastal marine area can adversely affect amenity values, conservation values and the use of the coastal marine area.

Explanation
The emission of noise is often associated with activities using the coastal marine area. While some level of noise emission is acceptable, the threshold of acceptable noise levels in different areas of the coast will depend on the sensitivity of those areas.

Objective 12.3.1
Policy 12.4.1

12.3 Objective

12.3.1 To manage and control noise levels within the coastal marine area to minimise any adverse effect on amenity values, conservation values and the use of the coastal marine area.

Principal reasons for adopting
Section 30(1)(d)(vi) of the Act provides the Otago Regional Council with the function of controlling, in conjunction with the Minister of Conservation, the emission of noise and the mitigation of the effects of noise. The discharge of noise at excessive levels can affect the public of Otago, wildlife in the area and amenity values associated both within the coastal marine area and on land areas adjacent to that area.

Other Objectives 5.3.1, 6.3.1, 7.3.2, 8.3.1
Policy 12.4.1

12.4 Policy

12.4.1 In managing and controlling noise levels within the coastal marine area:

(a) Particular regard will be had to ensuring consistency with any noise control provisions or standards in any district plan for adjacent land; and

(b) Regard will be had to the New Zealand Standards NZS 6801 (1991), NZS 6802 (1991), NZS 6803P (1984) and NZS 6807 (1994); and

(c) Regard will be had to any other relevant information relating to the emission and effects of noise, and the measures which may be taken to avoid, remedy or mitigate those effects; and

(d) Regard will be had to the duration and nature of noise produced.

Explanation

Noise generated in the coastal marine area can adversely affect values in the coastal marine area and on the adjacent land. In considering the generation of noise within the coastal marine area, regard will be had to any noise control provisions stated in any relevant district plan. Regard will also be had to the standards established by the Standards Association of New Zealand applicable to the generation of noise:

NZS 6801 (1991): Measurement of Sound,

NZS 6802 (1991): Assessment of Environmental Sound,

NZS 6803P (1984): The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work,

NZS 6807 (1994): Noise Management and Land Use Planning for Helicopter Landing Areas.

Principal reasons for adopting

Noise controls within district plans provide protection for residents of residential and rural properties from excessive noise generated as a result of activities on land. Activities in the coastal marine area should meet the same noise control standards in terms of the effect on people on the land. Where no provisions are stated, the standards established by the Standards Association of New Zealand provide guidance when considering the discharge of noise, and the potential impacts of that noise. Other relevant information relating to particular activities and the available means to avoid, remedy or mitigate any noise emission also needs to be considered.

Other Policies 5.4.2, 5.4.4, 5.4.6, 6.4.1
Methods 12.6.1, 12.6.2

12.5 Rules

There are no rules contained within this Chapter. The objective and policy 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.

12.6 Other methods

12.6.1 Consultation

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

12.6.1.2 To liaise with district and city councils with responsibility for areas adjacent to the coastal marine area over the management and control of noise within the coastal environment.

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. To achieve the integrated management of the coastal environment, noisy activities which may affect areas on both sides of the mean high water springs boundary are best considered in liaison with the appropriate territorial local authorities.

12.6.2 Enforcement

12.6.2.1 To use the enforcement provisions of the Act to deal with excessive or unreasonable noise. This includes:

(a) The seeking of an enforcement order (Section 316 of the Act); or
(b) The issuing of an abatement notice (Section 322 of the Act); or
(c) The issuing of an excessive noise direction (Section 327 of the Act).

12.6.2.2 To have regard to any provisions contained within adjacent district plans of any relevant territorial local authority and the standards established by the Standards Association of New Zealand in determining reasonable noise levels.

12.6.2.3 To review noise control provisions of the Regional Plan: Coast when district plan provisions are finalised.

Principal reasons for adopting
Section 16 of the Act requires that every person carrying out an activity in, on, or under the coastal marine area shall adopt the best practicable option to ensure that the emission of noise from the land or water does not exceed a reasonable level. The use of the excessive noise provisions of the Act, based on any noise control provisions of any relevant district plan or on the Standards Association of New Zealand standards, establishes the reasonable level and allows action to be taken where noise exceeds that level. Because the adverse effects of noise generated within the coastal marine area is primarily experienced on land adjacent to the coastal marine area, it is important that the Regional Plan: Coast has controls which are consistent with the provisions of district plans. Consistency with district plans can only be achieved when the

preparation of district plans is complete. Once the district plans have been completed the Regional Plan: Coast will be reviewed to ensure consistency.

12.7 Anticipated environmental results

12.7.1 Noise emissions resulting from activities within the coastal marine area do not adversely affect amenity values, and the cultural and environmental values of the coastal marine area.

13
Exotic Plants

13.1 Introduction

No person may introduce or plant any exotic or introduced plant in, on or under the foreshore or seabed within the coastal marine area unless expressly allowed by a rule in this Plan or by a resource consent (Section 12(1)(f) of the Act). In the past, exotic plants have been introduced into the coastal marine area or into areas adjacent to the coastal marine area (eg, on dune systems), mainly for erosion control. Spartina has been introduced in areas around New Zealand and in some areas has resulted in increased silting and reclamation of estuarine areas.

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 Policies

13.4.1 In order that any proposed introduction of exotic or introduced plants 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 introduce any exotic or introduced plants into 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 introduce any exotic or introduced plants into the coastal marine area.

Explanation
Notifying Kai Tahu of notified resource consent applications allows them to assess the implications of each application in respect of their coastal domain and recognises the kaitiaki role that Kai Tahu 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).

Rule 13.5.1
Other Methods 13.6.1 to 13.6.4
Other Policies 5.4.1, 5.4.2, 5.4.9, 9.4.1

13.4.2 For activities involving the planting of any exotic plant, 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, an area of outstanding natural features and landscapes, or an area important to marine mammals or birds.

Explanation
Exotic plants introduced into a coastal protection area, or adjacent to areas important to marine mammals and birds, or adjacent to areas of outstanding natural features and landscapes can adversely affect the values associated with those areas. Priority will be given to avoiding any adverse effects.

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.

Rule 13.5.1, 13.5.2
Other Methods 13.6.1 to 13.6.4
Other Policies 5.4.1, 5.4.2, 5.4.5, 5.4.6, 5.4.7, 5.4.9, 6.4.3, 6.4.4, 6.4.6

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 seaweeds, 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
Consideration of the need for any introduction or planting and consideration of the potential for adverse effects arising from that introduction or planting recognises the precautionary 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

13.4.4 When restoration plantings take place, preference will be given to the use of indigenous species with a further preference for the use of local genetic stock.

Explanation
When undertaking restoration planting, indigenous stock, and where possible, local genetic stock should be used.

Principal reasons for adopting *[Repealed]*

Rule 13.5.1, 13.5.2
Other Methods 13.6.1 to 13.6.4
Other Policies 5.4.2

13.5 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.

13.5.1 Introduction of exotic or introduced plants

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 *[Repealed]*

13.5.1.3 The introduction of any exotic or introduced plant 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. 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.

13.5.2 Removal of exotic or introduced plants

13.5.2.1 The removal of exotic or introduced plants identified in the Pest Plant Management Strategy for the Otago Region, and any associated disturbance of the foreshore and seabed, is a ***permitted*** activity provided:

(a) All pest plant material is removed from the coastal marine area; and

(b) Any disturbance of the foreshore or seabed is smoothed over.

13.5.2.2 Except as provided for by Rule 13.5.2.1, the removal of exotic or introduced plants is a ***discretionary*** activity.

Principal reasons for adopting

Exotic plants that have been identified as pest plants will have adverse effects on the environment. Section 12 of the Act only allows for the removal of these plants by a rule in a plan or by a resource consent. Exotic plants such as *spartina* have adverse effects on the coastal marine area and their removal will have beneficial environmental effects.

13.6 Other methods

13.6.1 Consultation

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

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.

13.6.2 Other plans

13.6.2.1 The Otago Regional Council will consider the development of pest management strategies as necessary to deal with any plant or animal pest within Otago's coastal marine area.

Principal reasons for adopting

Pest Management Strategies developed under the Biosecurity Act provide the appropriate consideration of pests and the need for and mechanisms available to deal with them.

13.6.3 Education

13.6.3.1 The Otago Regional Council will educate the boat-using public where necessary about the potential for transferring noxious exotic plants between water ways on ships in an effort to reduce the spread of such plants.

13.6.3.2 The Otago Regional Council will make information available to the general public about effects of unwanted introductions of exotic plants, including seaweeds.

Principal reasons for adopting
If a water way has a plant pest problem, it is important that this problem is not allowed to spread. Educating boat owners about the problem is one method of preventing it.

13.6.4 Liaison

13.6.4.1 The Otago Regional Council will liaise with other agencies regarding the use of native species for erosion control of the coastal environment.

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

13.7 Anticipated environmental results

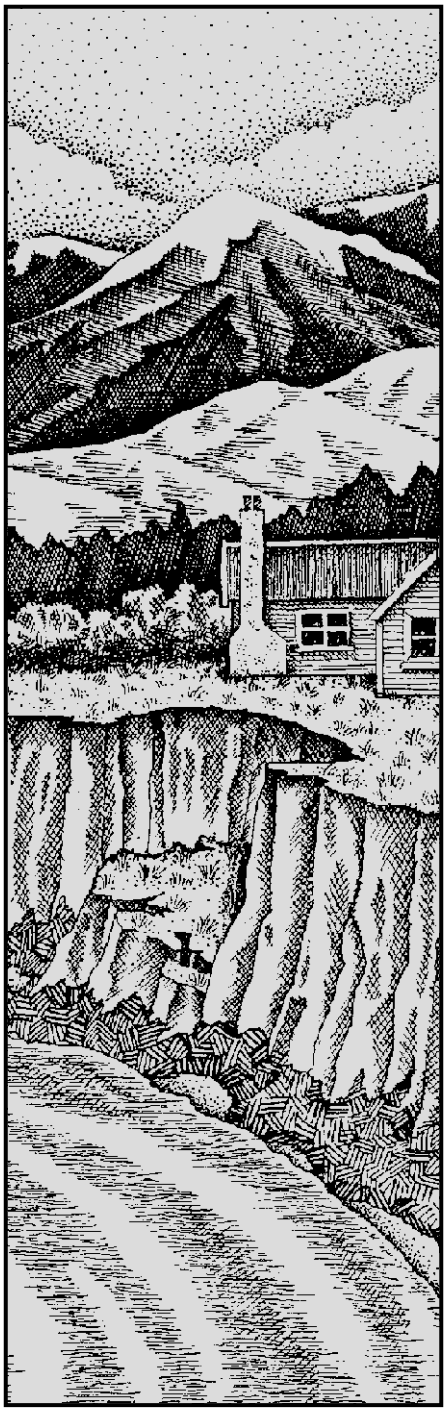
13.7.1 The values and concerns of Kai Tahu are fully considered when considering resource consent applications to introduce exotic or introduced plants into the coastal marine area.

13.7.2 The introduction of exotic or introduced plants to Otago's coastal marine area does not result in a loss of cultural or conservation values in an area.

13.7.3 The introduction of exotic or introduced plants to the coastal marine area does not result in a loss of natural character from Otago's coastal environment.

13.7.4 Applications for resource consents for the introduction of exotic or introduced plants to the coastal marine area which might permanently affect water and sediment movement are considered carefully and a precautionary approach taken

14
Natural Hazards



14.1 Introduction

Natural hazards are those naturally occurring events that threaten human life, property or other aspects of the environment. Section 2 of the Act defines natural hazards as: *any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire or flooding) the action of which adversely affects or may adversely affect human life, property or other aspects of the environment.*

Natural hazards occur where natural physical coastal processes threaten, or result in the loss of, human life or property, or parts of the environment of value to the community. In considering the use, development or protection of Otago's coastal marine area, it is important that the potential adverse effects of any natural hazard are considered and taken into account.

14.2 Issues

14.2.1 Natural hazards which occur within and adjacent to Otago's coastal marine area can adversely affect the use and enjoyment of the area by Otago communities.

Explanation

Natural hazards can cause the loss, within the coastal marine area, of structures such as wharves and jetties, as well as the damage to natural features such as biological communities and habitats. This can be brought about by such natural physical coastal processes as the eroding effect of natural currents and tides, or the natural sedimentation of estuaries or inlets. Those natural processes can also result in the erosion of the shoreline and the possible exposure of property or areas of value to the community. Some natural hazards such as a blocked river mouth may be a result of longshore sediment transport which is a natural coastal process. This natural process may be an important part of the natural character of the coastal marine area. The types of events or processes that give rise to natural hazards in Otago's coastal marine area include the following:

(a) Erosion of the land adjacent to the coastal marine area as a result of the action of tides and waves can be accentuated by high rainfall events on the land. These areas have been specifically identified in Policy 6.4.4, and shown in Schedule 3 of this Plan as coastal hazard areas;

(b) Flooding and overtopping of structures within the coastal marine area as a result of storm surges or abnormally high water levels, which may be accentuated around inlets and estuaries when high rainfall events on the land cause rivers to flood;

(c) The potential for longer term flooding or overtopping of structures within the coastal marine area as a result of sea level rise;

(d) Blocking of river mouths through sediment movement which can result in flooding;

(e) Tsunamis or tidal waves causing possible loss of life and property as a result of inundation of areas within and adjacent to the coastal marine area.

Objective 14.3.1
Policies 14.4.1, 14.4.2, 14.4.3

14.2.2 Natural hazards can affect the use and enjoyment of the coastal environment by Otago's communities and activities in the coastal marine area can exacerbate the adverse effects of natural hazards occurring in and adjacent to Otago's coastal marine area.

Explanation
Natural hazards can damage structures, landforms and the intrinsic values associated with the coast. The level of damage has often been increased because human activity within or adjacent to the coastal marine area exacerbates the effects of the natural hazards, examples are:

(a) Coastal erosion rates can be increased because a structure has been inappropriately placed. A structure can stop or reduce a continuous flow of beach sediment. The result is a beach out of equilibrium because it cannot effectively absorb the energy of the waves. An inappropriately located structure may also focus the energy of the incoming waves, which can cause or accelerate erosion;

(b) Sediment extracted from the foreshore and seabed within or near a coastal hazard area may accelerate erosion. A beach needs a stable supply of sediment to assist in dissipating the wave energy which causes erosion;

(c) Coastal erosion rates may be increased when the flow rates of a river are modified to the point where the river carries significantly less sediment to the ocean beaches;

(d) Land use practices near the coast may alter the stability of the land adjoining mean high water springs. The land will be more susceptible to coastal erosion. An example is the cliffed North Otago coast, an area, which is considered prone to erosion.

Objective 14.3.1
Policies 14.4.2, 14.4.4

14.3 Objective

14.3.1 To take into account the potential adverse effects of natural hazards within and adjacent to Otago's coastal marine area when considering the use, development or protection of the area.

Principal reasons for adopting
Natural hazards within and adjacent to Otago's coastal marine area have the potential to result in the loss of human life and property, and of areas important to the community. Taking into account the potential for adverse effects

resulting from any natural hazard will assist in avoiding, mitigating or remedying those adverse effects wherever possible. Some natural hazards such as a blocked river mouth may be a product of natural coastal processes which are part of the natural character of the coastal marine area.

Policies 14.4.1, 14.4.2, 14.4.3
Other Objectives 5.3.1, 6.3.1, 8.3.4, 9.3.2

14.4 Policies

14.4.1 To avoid or mitigate the adverse effects of natural hazards through considering the need to protect areas within and adjacent to the coastal marine area.

Explanation
The action of natural physical coastal processes may result in threats to human life or property, or to areas of value to the community. In order to avoid or mitigate the adverse effect of such natural hazards, it may be necessary to consider measures to avoid or mitigate the threat. Such measures may include coastal protection works to reduce or halt erosion of the coastline, or groynes or other structures to assist in retaining material to reduce erosion rates.

Principal reasons for adopting
It may be necessary at times to provide protection against the threat posed by natural hazards to human life or property, or to areas of value to the community. This policy recognises that need.

Methods 14.6.1, 14.6.2, 14.6.3
Other Policies 5.4.4, 5.4.9, 6.4.5, 6.4.6, 8.4.8, 9.4.6, 9.4.9

14.4.2 The potential effect of activities on natural physical coastal processes operating within the coastal marine area, and the potential for those effects to result in adverse effects within other areas of the coastal marine area will be recognised and taken into account.

Explanation
This policy recognises that activities in one area of the coastal marine area can result in adverse effects on other areas.

Principal reasons for adopting
Activities, such as the erection or placement of solid structures, or the reclamation of areas from the coastal marine area can cause changes to natural physical coastal processes that can result in adverse effects elsewhere. The potential for such adverse effects resulting from the activity need to be taken into account when considering applications for resource consents for those activities.

Methods 14.6.1, 14.6.3
Other Policies 5.4.9, 6.4.2, 6.4.5, 6.4.6, 8.4.8, 9.4.6, 9.4.9

14.4.3 Where a resource consent is required under this Plan, to ensure that adequate provision is made in the design of any structure, reclamation, or other physical feature, to recognise the possibility of sea level rise and other natural hazards which may damage that structure, reclamation or feature.

Explanation
The coastal environment exposes structures, reclamations and features to sand, sea, and all weathers. The effects of these natural elements should be considered when deciding the design of new structures, reclamations or features to maximise their useful life.

Principal reasons for adopting
Natural hazards in the coastal marine area include storm inundation and tsunami.

Methods 14.6.1, 14.6.2, 14.6.3
Other Policies 5.4.4, 6.4.5, 6.4.6, 8.4.7, 9.4.7, 9.4.8, 9.4.9

14.4.4 To avoid locating structures and undertaking disturbances of the foreshore or seabed in a coastal hazard area when that activity may increase the adverse effects associated with the hazard.

Explanation
The action of natural physical coastal processes may result in threats to human life or property, or to areas of value to the community. The effects of these natural processes can be increased when structures or activities within or adjacent to the coastal marine area adversely modify the coastal processes. In order to avoid or mitigate the adverse effects of such natural hazards, it may be necessary to consider measures to avoid or mitigate the threat. Such methods may be a passive avoidance method where a structure or activity is not allowed to locate in the area.

Principal reasons for adopting
Natural hazards can cause a considerable amount of damage to property and it is not appropriate to increase the potential damage by inappropriately locating structures or activities in hazard zones.

Methods 14.6.1, 14.6.2, 14.6.3,
Other Policies 6.4.5, 8.4.9, 9.4.2, 9.4.7

14.5 Rules

There are no rules contained within this chapter. The objective 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.

14.6 Other methods

14.6.1 Consultation

14.6.1.1 The Otago Regional Council will consult with adjacent territorial local authorities over the need for, and appropriateness of joint management plans and joint works or action in order to address specific erosion issues.

Principal reasons for adopting
Consultation over natural hazards affecting the boundary of the coastal marine area is an appropriate means of identifying where joint plans, works or actions by both the Otago Regional Council and the relevant territorial local authority may be appropriate.

14.6.2 Promotion and encouragement

14.6.2.1 The Otago Regional Council will promote and encourage:
(a) Means to avoid or mitigate natural hazards; and
(b) The use of natural processes where practicable to avoid or mitigate any natural hazard; and
(c) An awareness of those parts of the coast which have been identified as a Coastal Hazard Area.

Principal reasons for adopting
Promotion and encouragement of means of avoiding or mitigating natural hazards recognises the role that all persons have to deal with natural hazards.

14.6.3 Service delivery

14.6.3.1 Where appropriate, the Otago Regional Council may use its powers under the Soil Conservation and Rivers Control Act to undertake coastal protection works to help avoid or mitigate a natural hazard of regional significance.

Principal reasons for adopting
The Otago Regional Council has powers and functions under other Acts. The ability to undertake works is provided for by those other Acts. An assessment is required of each natural hazard situation to determine the response that may be made by the Otago Regional Council.

14.7 Anticipated environmental results

14.7.1 Human life or property, or areas of value to the community, are protected from the adverse effect of natural hazards originating in the coastal marine area.

14.7.2 Action taken to avoid or mitigate any natural hazard recognises the natural physical coastal processes acting on the area.

14.7.3 Activities do not result in unanticipated changes to areas within the coastal marine area as a result of the action of natural physical coastal processes.

14.7.4 Natural hazard problems in Otago's coastal environment are not created, exacerbated, or transferred to another location by works or structures in the coastal marine area.

15

Information Requirements

15.1 Introduction

The Act requires that applications for a resource consent be made in accordance with Section 88 of the Act. The Act further requires that where an assessment of the effects of the proposed activity is required, that that assessment be prepared in accordance with the Fourth Schedule of the Act.

In general, applications for resource consent for activities within Otago's coastal marine area will be required to demonstrate that:

(a) The effects of the proposed activity comply with the relevant objectives, policies and rules of this Regional Coastal Plan; and

(b) Information has been included, in accordance with the Fourth Schedule of the Act, to enable the consent authority to make an assessment of the effects of the proposed activity; and

(c) Where practicable, consultation has occurred with parties likely to be affected by the proposed activity.

Without limiting the requirements of Section 88 of the Act, or of the Fourth Schedule to that Act, any application for the following activities will be required to supply information as specified in this chapter of the Regional Coastal Plan:

(a) Any activity which this Regional Coastal Plan specifies as being a discretionary activity, a restricted discretionary activity, or a controlled activity; and

(b) An activity that would otherwise not comply with this Regional Coastal Plan (a non-complying activity).

Pursuant to Section 88(2) of the Act, no application shall be made for an activity that a plan specifies as a prohibited activity or for any activity described as a prohibited activity by a proposed plan once the time for making or lodging submissions or appeals against the proposed rule has expired and:

(a) No such appeals or submissions have been lodged; or

(b) All such submissions or appeals have been withdrawn or dismissed.

Applications for resource consents shall be made on the prescribed forms available from the Otago Regional Council. The size of the assessment of the effects of the proposed activity on the environment should be in context with the size of the proposed activity.

15.2 General information required

The following information must be supplied with all resource consent applications:

1. The name of the applicant, and the name of the owner or occupier if different.
2. The address of the applicant, owner or occupier.
3. A description of the proposed activity and its purpose.
4. The location of the proposed activity together with a site plan, legal description, construction plan (if applicable), and relevant map references.
5. An identification of whether the proposed location is:

(a) Within a coastal protection area, coastal recreation area, coastal development area or coastal harbourside area, as specified in Schedule 2 of this Plan; or

(b) Within or adjacent to any area identified as having outstanding natural features and landscapes, as specified in Schedule 3.2 of this Plan; or

(c) Adjacent to any area identified as having marine mammal or bird conservation values as specified in Schedule 3.1 of this Plan; or

(d) Within or adjacent to any area that is managed under the Conservation Act 1987 or is administered by the Department of Conservation as shown in Schedule 6 of this Plan; or

(e) Within or adjacent to any area that has been proposed for protection by the Department of Conservation.

6. The size of the area required by the proposed activity, in hectares or square metres.

7. The expected construction period (if applicable).

8. The intended duration of the proposed activity.

9. A description of possible alternative locations or methods and the reasons for making the proposed choice.

10. An assessment of the effects of the proposed activity on the environment including an assessment of the effects on:

(a) The foreshore and seabed; and

(b) The movement of water and sediment; and

(c) Water quality; and

(d) Any biological community; and

(e) Amenity value, including any recreational, community, commercial, heritage and cultural uses of the area; and

(f) Adjacent land; and

(g) Any archaeological site.

11. A description of the measures to be undertaken to help prevent or reduce any actual or potential effects.

12 A description of the public benefit to be derived.

13. An identification of those persons interested in or affected by the proposal, any consultation undertaken, and any response to the views of those consulted. Depending on the type of activity proposed, or its scale or location, these people may include:

(a) Neighbouring landowners;

(b) Local runanga;

(c) Department of Conservation;

(d) District or City Councils;

(e) Ministry of Fisheries;

(f) Maritime Safety Authority;

(g) Recreational user groups;

(h) The community generally;

(i) New Zealand Historic Places Trust; and

(j) Commercial user groups.

14. A statement of whether any other resource consent is required from any other consent authority to undertake the proposed activity and whether any such consent has been applied for, or obtained.

15. A description of the anticipated effect of the proposed activity on public access along and to the coastal marine area including a description of:

(a) The degree to which occupation of the coastal marine area is required for the proposed activity and the extent to which members of the public would be excluded or restricted from the area; and

(b) Where existing public access would be excluded or restricted as a result of the proposed activity, a description of the methods, if any, proposed to bring about improved access elsewhere.

16. Where the scale or significance of the activity's effect are such that monitoring is required, a description of how these effects will be monitored and by whom.

17. A description of the extent to which the proposed activity is located within, or adjacent, to any area containing a natural hazard.

18. A description of the extent to which the proposed activity will involve any use or alteration of any structure, including any:

(a) Erection or placement; or

(b) Extension, alteration, replacement or reconstruction; or

(c) Demolition or removal.

Note: Where the proposed activity involves structures, see Section 15.3 below for additional information requirements.

19. A description of the extent to which the proposed activity will result in the alteration of the foreshore or seabed including any:

(a) Reclamation; or

(b) Removal of sand, shingle, shell or other natural material; or

(c) Disturbance of the foreshore and seabed including dredging, drilling, excavating and tunnelling; or

(d) Deposition or burial of natural material.

Note: Where the proposed activity involves any alteration of the foreshore or seabed, see Section 15.4 below for additional information requirements.

20. A description of the extent to which there are any discharges associated with the proposed activity.

Note: Where the proposed activity involves any discharge, see Section 15.5.1 below for additional information requirements.

21. A description of the extent to which the activity involves the storage or use of any hazardous substance or hazardous waste.

Note: Where the proposed activity involves any such storage or use, Section 15.5.2 below for additional information requirements.

22. A description of the extent to which the proposed activity involves the taking, use, damming or diversion of coastal water.

    Note: Where the proposed activity involves any taking, use, damming or diversion of coastal water, see section 15.6 below for additional information requirements.

23. A description of the extent to which noise is likely to be generated by the proposed activity within the coastal marine area.

    Note: Where the proposed activity involves the generation of noise, see Section 15.7 below for additional information requirements.

24. A description of the extent to which the proposed activity involves the introduction of any exotic plants into the coastal marine area.

    Note: Where the proposed activity involves the introduction of any exotic plant, see Section 15.8 below for additional information requirements.

15.3 Structures

15.3.1 Placement or modification

In addition to the general information required by Section 15.2 above, where the proposed activity involves the:

(a) Erection or placement; or

(b) Extension, alteration, replacement or reconstruction of a structure, the following information will be required:

1. A description of the structures dimensions.
2. A description of the proposed method of construction including:
   (a) The material to be used to erect or place, or extend, alter, replace or reconstruct the structure; and
   (b) The equipment to be used.
3. An assessment of the visual effect of the erection or placement, or extension, alteration, replacement or reconstruction of the structure on the existing character of the area.
4. An assessment of the likely effect of the erection or placement, or extension, alteration, replacement or reconstruction of the structure on any natural physical coastal processes operating in the area.

15.3.2 Demolition or removal

In addition to the general information required by Section 15.2 above, where the proposed activity involves the demolition or removal of a structure, the following information will be required:

1. A description of the structure to be removed including a description of its former purpose and use.
2. Evidence that the existing authorised owner of the structure, if known, has given their approval to the demolition and removal.

3. A description of the extent to which all or part of the structure is to be demolished or removed.
4. A description of the methods to be used to remove the structure and the anticipated disturbance of the foreshore or seabed resulting from that removal.
5. An assessment of the likely effect of the removal of the structure on any natural physical coastal processes operating in the area.

15.4 Alteration of the foreshore and seabed

15.4.1 Reclamation

In addition to the general information required by Section 15.2 above, where the proposed activity involves the reclamation of the foreshore or seabed, the following information will be required:

1. A description of the purpose of the reclamation and the uses to which it will be put.
2. An assessment of alternatives that have been considered to the proposed reclamation of the foreshore or seabed and the reasons why a reclamation is required in the location chosen.
3. A description of the proposed method of construction including:
   (a) The material to be used in the reclamation; and
   (b) The equipment to be used.
4. A description of the existing environment, including:
   (a) A physical description; and
   (b) The hydrology and sediment regime; and
   (c) The water quality; and
   (d) The ecology.
5. Without limiting Section 15.2(4) and (6) above, a site plan to show the area proposed to be reclaimed, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve under Section 246(3) of the Act.

15.4.2 Removal

In addition to the general information required by Section 15.2 above, where the proposed activity involves the removal of sand, shingle, shell or other natural material, the following information will be required:

1. A description of the composition of the material to be removed.
2. A description of the proposed use of the sand, shingle, shell or other natural material.
3. The volume of material proposed to be removed, in terms of a total annual volume, and in terms of daily amounts (where applicable).
4. A description of the period over which the removal will occur, and the frequency of removal in any 12 month period.

5. A description of the methods to be used to remove the material.
6. An assessment of alternatives that have been considered to the proposed removal and the reasons why the removal is required from the location chosen.
7. An assessment of the overall sediment budget for the area including an assessment of the rate of any accretion or erosion that may be occurring (if applicable), and the effect of the proposed removal on the sediment budget for the area.
8. A description of any previous removal of any sand, shingle, shell or other natural material from the area, including the period of removal and volumes removed (if known).

15.4.3 Disturbance

In addition to the general information required by Section 15.2 above, where the proposed activity involves the disturbance of the foreshore or seabed, the following information will be required:

1. The reasons for the proposed disturbance
2. The scale, timing and scope of the proposed disturbance.

15.4.4 Deposition

In addition to the general information required by Section 15.2 above, where the proposed activity involves the deposition of any sand, shingle, shell or other natural material into the coastal marine area, the following information will be required:

1. An assessment of alternatives that have been considered to the proposed deposition and the reasons why the deposition is required in the location chosen.
2. A description of the receiving environment including:
   (a) Hydrology and sediment movement; and
   (b) Composition of the material; and
   (c) The ecology of the area.
3. A description of:
   (a) The material proposed to be deposited; and
   (b) The volume and frequency of material to be deposited; and
   (c) The methods to be used to deposit the material.
4. An analysis of the material to be deposited including:
   (a) The chemical composition of the material proposed to be deposited and, in particular, the level of contamination, if any, of that material; and
   (b) The grain size and other physical characteristics of the material proposed to be deposited, and the similarity, or otherwise of that

material to the area where the material is proposed to be deposited.

15.5 Discharges

15.5.1 Discharge of contaminant or water

In addition to the general information required by Section 15.2 above, where the proposed activity involves the discharge of contaminant or water into the coastal marine area, the following information will be required:

1. A description of the nature, volume, contents and frequency of the proposed discharge.
2. A description of the treatment, if any, of the contaminant or water prior to the proposed discharge.
3. A description of the receiving area where the proposed discharge is to occur.
4. An assessment of the ability of the receiving area to assimilate the discharge.
5. An assessment of the current uses of the proposed area of discharge and the anticipated effect of the discharge on those uses.
6. An assessment of alternatives to the proposed discharge, including alternative receiving environments outside of the coastal marine area, and the reasons why the discharge is required in the location chosen.

15.5.2 Storage and use of hazardous substances

In addition to the general information required by Section 15.2 above, where the proposed activity involves the storage or use of any hazardous substance within the coastal marine area, the following information will be required:

1. A description of the hazardous substance proposed to be stored or used.
2. An assessment of alternatives that have been considered to the proposed storage or use of the hazardous substance and the reasons why the storage or use is required in the coastal marine area.

15.6 Taking, use, damming or diversion

In addition to the general information required by Section 15.2 above, where the proposed activity involves the taking, use, damming or diversion of coastal water within the coastal marine area, the following information will be required:

1. In the case of taking, a description of the volume of the proposed take and an assessment of the need for the take from the coastal marine area.
2. In the case of damming or diversion, a description of the proposed damming or diversion and an assessment of the need for the damming or diversion within the coastal marine area.
3. An assessment of the nature and extent of any natural inflows into the area of the proposed take, damming or diversion and the degree of tidal flushing with the open coast.

15.7 Noise

In addition to the general information required by Section 15.2 above, where the proposed activity involves the generation or emission of noise within the coastal marine area, the following information will be required:

1. An analysis of the anticipated level of noise.
2. An analysis of background noise levels.
3. A description of the timing and duration of any noise emission.

15.8 Exotic plants

In addition to the general information required by Section 15.2 above, where the proposed activity involves the introduction of any exotic plant into the coastal marine area, the following information will be required:

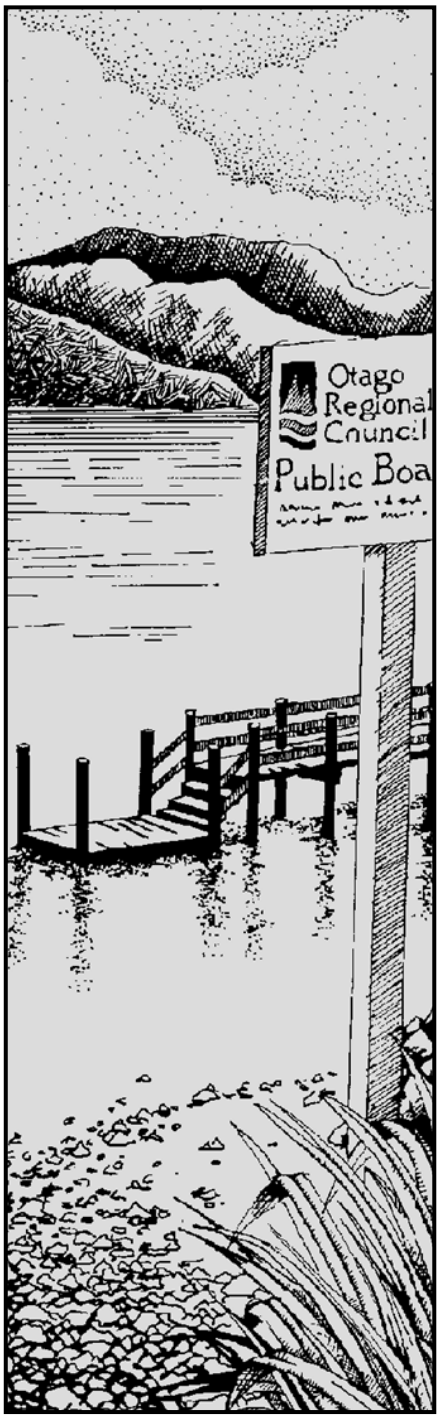
1. The name of the plant, or plants proposed to be introduced and the proposed methods to be used to introduce the plant.
2. The purpose for introducing the plant or plants.
3. A description of whether the plant or plants is already resident in the area of the proposed introduction.
4. A description of the existing vegetation in the proposed area and an assessment of the likely impact of the introduction of the plant or plants on the existing vegetation.

15.9 Provision of further information

Pursuant to Section 92 of the Act, a consent authority may, at any reasonable time before the hearing of a resource consent application, by written notice to an applicant for a resource consent, require the applicant to provide further information relating to the application. Due to the variable nature and site specific aspects of activities within the coastal marine area, it is difficult to define all of the required information until closer investigation of a specific application has been conducted. The applicant may be required to supply further information, pursuant to Section 92, in cases where additional information is necessary to enable the Otago Regional Council to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

16

Financial Contributions



16.1 Introduction

Where the Otago Regional Council grants a resource consent, it may impose a condition requiring that a financial contribution be made for the purposes specified in Section 108 of the Act.

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).

The provisions which follow are intended to reflect the requirements of Section 108(9) of the Act and Clause 5 of Part 1 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 to which the Council will have regard when deciding whether to impose a financial contribution, the type of contribution, and the amount of such contribution.

In deciding on any financial contribution, the Otago Regional 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. The Otago Regional 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.

16.2 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 money or land or a combination of money and land. Contributions of money to the Council must be applied to 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.

16.2.1 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 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 general 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.

16.2.2 Public open space and facilities in the coastal marine area

Circumstances: Where the activity, for which a resource consent 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.

16.2.3 Planting or maintenance of coastal vegetation

Circumstances: Where the activity for which the consent 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 (where appropriate with native species of local stock) 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.

16.2.4 Landscaping or planting

Circumstances: Where the activity for which consent 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.

16.2.5 Fencing or screening

Circumstances: Where the activity for which consent 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.

16.2.6 Protection, maintenance or restoration of coastal protection areas

Circumstances: Where the activity for which consent 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 coastal protection area.

Maximum amount: The full actual cost of works reasonably required to fully mitigate or reasonably compensate for such effects.

16.2.7 Protection, maintenance or restoration of sites, buildings, places or areas of historic or cultural importance

Circumstances: Where the activity for which consent is granted will adversely affect a historic site, building, place, or area, or one of cultural or spiritual significance to Kai Tahu.

Purposes: To mitigate or offset such effects by providing for works which protect or restore that site, building, place, or area, or to offset such effects by contributing to protection, maintenance or restoration or some alternative historic or cultural site, building, place, or area, 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.

16.2.8 Protection, restoration or enhancement of marine mammal or bird sites

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on any site identified in Schedule 3 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.

16.2.9 Protection, restoration or enhancement of seabed and foreshore

Circumstances: Where the activity for which consent is granted is likely to cause or contribute to adverse effects on 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.

16.2.10 Reduction of litter

Circumstances: Where the activity for which consent 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.

16.2.11 General mitigation works

Circumstances: Where the activity for which consent 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.

16.3 Financial contribution assessment criteria

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 the objectives and policies of this Plan.

(d) In deciding the actual value of the financial contribution required, the Council will have particular regard to:

  (i) 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.

17

Review and Monitoring

17.1 Introduction

The Act requires the Otago Regional Council to gather information and to undertake or commission such research as is necessary to carry out effectively their functions under the Act (Section 35(1)). Section 35(2) of the Act also requires that the Otago Regional Council monitor:

(a) The state of the regional environment to the extent that is appropriate to enable the Council to effectively carry out its functions (baseline monitoring or environmental monitoring); and

(b) The suitability and effectiveness of any policy statement or plan, or proposed policy statement or plan for the region, and the exercise of any functions, powers or duties delegated or transferred by it (process monitoring); and

(c) Compliance with resource consents (compliance monitoring).

This monitoring will be undertaken in terms of the framework set out in the Otago Regional Policy Statement.

Section 67(1)(i) of the Act also requires that the Otago Regional Council include within this Regional Coastal Plan, the procedures to be used to review the matters contained within it, and to monitor the effectiveness of the Plan as a means of achieving its objectives and policies.

17.2 Elements to be monitored

Subject to the requirements of the Regional Policy Statement and the provisions of its Annual Plan, the Otago Regional Council will monitor the elements of the coastal marine area necessary to assess the suitability and effectiveness of the objectives and policies within this Regional Coastal Plan. In considering the elements requiring monitoring, the Otago Regional Council will have particular regard to the anticipated environmental results as stated within this Regional Coastal Plan and will in particular consider the monitoring of the following:

1. The extent to which the views of Otago's communities are reflected in the management of Otago's coastal marine area.
2. The extent to which public access is maintained and enhanced to and along the coastal marine area.
3. The number, size and extent of structures and their impact on the character of Otago's coastal marine area.
4. The extent to which the foreshore and seabed of Otago's coastal marine area is altered by activities and the effects on the coastal environment of that alteration.
5. The extent to which coastal water quality is maintained and enhanced, in particular in areas where there is:
   (a) A high public interest in, or use of the water; or
   (b) A particular Kai Tahu interest in the water; or
   (c) A particular value to be maintained or enhanced; or
   (d) A direct discharge containing human sewage; or

(e) A direct discharge of wastes from commercial, industrial or production activities.

6. Water quality within Otago's coastal marine area with a view to establishing water quality classes.
7. The extent to which any coastal water is taken, dammed or diverted within any coastal protection area, river mouth or harbour, and the effects of that taking, damming or diversion.
8. The extent to which noise is generated or emitted within the coastal marine area to unreasonable levels.
9. The nature, extent and effect of the introduction of introduced or exotic plants into the coastal marine area.
10. The location and extent to which any activity or area within or adjacent to the coastal marine area is adversely affected by any natural hazard, and the effect any activity or structure has on existing natural hazards or the development of new natural hazards.

17.3 Monitoring techniques

In monitoring elements of the coastal marine area necessary to determine the suitability and effectiveness of the objectives and policies within this Regional Coastal Plan, the following techniques may be used:

1. Analysis of feed back, and compliments and complaints received.
2. Water quality surveys.
3. Requiring self monitoring of consents, where necessary, and the provision of the collected information to the Otago Regional Council.
4. Compliance audit monitoring to ensure the conditions on resource consents are being adhered to.
5. Maintaining a database of coastal permits issued.
6. Commission research, as necessary to provide additional information on the coastal environment.
7. Where appropriate, develop and implement joint initiatives with other local authorities, government departments and other agencies to monitor key aspects of Otago's coastal environment.
8. Make available data held by the Otago Regional Council and seek the transfer between agencies and local authorities of information on Otago's coastal marine area.
9. Surveys of aquatic organisms.

17.4 Review

This Regional Coastal Plan, once approved, will be in force for a period of 10 years, unless reviewed earlier. Any such review would be carried out in accordance with the First Schedule of the Act. In considering the need to review this Plan, the Otago Regional Council will have regard to the extent to which any of the following matters affect the framework established by, and contents of, the Plan:

1. Changes in legislation dealing with any aspect of the coastal marine area.
2. Improved knowledge and understanding of Otago's coastal marine area.
3. Issues identified by the monitoring of the suitability and effectiveness of the objectives and policies within this Regional Coastal Plan.
4. The development, implementation and review of the Regional Policy Statement and other regional plans by the Otago Regional Council.
5. The development, implementation and review of district plans by Otago's territorial local authorities.
6. Requests for a plan change or review made by any person in accordance with Part II of the First Schedule of the Act.