Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

Regional Coastal Environment Plan for the Canterbury Region

(incorporating Plan Changes 1, 2, and 4, and deleting all references to Restricted Coastal Activities)

Volume 1

Everything is connected

Regional Coastal Environment Plan for the Canterbury Region

- Volume 1

OPERATIVE

30 November 2005

Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

Regional Coastal Environment Plan for the Canterbury Region (incorporating plan changes 1, 2, and 4, and deleting all references to Restricted Coastal Activities) – Volume 1

Report No. R12/86

ISBN 978-1-927195-25-3 (hard copy)

ISBN 978-1-927195-26-0 (electronic)

Regional Coastal Environment Plan for the Canterbury Region (incorporating plan changes 1, 2, and 4, and deleting all references to Restricted Coastal Activities) – Volumes 1-3

Report No. R12/89

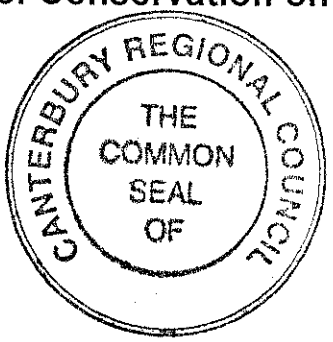
ISBN 978-1-927195-31-4 (CD set)

Regional Coastal Environment Plan

Prepared under the Resource Management Act 1991.

I certify that this is a correct copy of the Canterbury Regional Coastal Environment Plan, adopted by the Canterbury Regional Council on 24 June 2004, and made operative on 30 November 2005.

The Regional Coastal Plan part of this Plan was approved by the Minister of Conservation on 27 July 2005.



The common seal of the Canterbury Regional Council was affixed in the presence of:

.....

Dr Bryan Jenkins
Chief Executive
Canterbury Regional Council

Regional Coastal Environment Plan for the Canterbury Region

Prepared under the Resource Management Act 1991

This plan is in three volumes and incorporates the Regional Coastal Plan for the Canterbury Region.

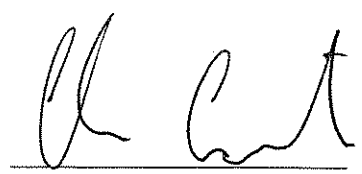
> Volume 1 (Report R04/13/1) contains 3 parts: Background Information, Issue Resolution and Processes and Monitoring. It also contains Schedules, Appendices and an Annex containing the Resource Management (Marine Pollution Regulations 1998).
>
> Volume 2 (Report R04/13/2) contains Planning Map Series 1 – 9
>
> Volume 3 (Report R04/13/3) contains the Coastal Hazard Zone Maps and shows the Coastal Marine Area Boundary

ISBN 1-86937-528-9 (Set)

The Canterbury Regional Council adopted this Regional Coastal Environment Plan for the Canterbury Region for reference to the Minister of Conservation, on 24 June 2004.

Hon. Sir Kerry Burke
Chairman

The Minister of Conservation approved the Regional Coastal Plan part of this plan by signing it on 27 July 2005, in accordance with Clause 19 of the First Schedule to the Resource Management Act 1991.



Hon. Chris Carter
Minister of Conservation

Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

This is the approved Plan Change 4 to the Regional Coastal Environment Plan, by the Canterbury Regional Council

The change to the Regional Coastal Environment Plan as a result of decisions on Plan Change 4 was publically notified on Saturday 28 May 2011 and became operative on Saturday 11 June 2011.

The Common Seal of the Canterbury Regional Council was fixed in the presence of:

Wayne Thomas
Acting Chief Executive
Canterbury Regional Council

CANTERBURY REGIONAL COUNCIL
THE COMMON SEAL OF

Dame Margaret Bazley
Chair
Canterbury Regional Council

26 May 2011

P O Box 345
Christchurch
Phone (03) 365 3828
Fax (03) 365 3194

Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

75 Church Street
P O Box 550
Timaru
Phone (03) 688 9060
Fax (03) 688 9067

Environment Canterbury Regional Council

The Regional Coastal Environment Plan for the Canterbury Region: Changes 1 and 2

Environment Canterbury Regional Council prepared Changes 1 and 2 to the Regional Coastal Environment Plan for the Canterbury Region in accordance with Section 64 and the First Schedule of the Resource Management Act 1991.

At its meeting on 27 June 2009, Council adopted Changes 1 and 2 to the Regional Coastal Environment Plan for the Canterbury Region in accordance with clause 18 of the First Schedule of the Resource Management Act 1991.

The Minister of Conservation approved Changes 1 and 2 by signing it in accordance with clause 19 of the First Schedule of the Resource Management Act 1991.

Kate Wilkinson

Hon. Kate Wilkinson
Minister of Conservation **Date** 26/6/11

Changes 1 and 2 to the Regional Coastal Environment Plan for the Canterbury Region will become operative on _____

Environment Canterbury Regional Council
Kaunihera Taiao ki Waitaha

This is a true and correct copy of Plan Changes 1 and 2 to Chapter 8 to the Regional Coastal Environment Plan, by the Canterbury Regional Council

These are the approved Plan Changes 1 and 2 to Chapter 8 to the Regional Coastal Environment Plan, by the Canterbury Regional Council

The changes to the Regional Coastal Environment Plan as a result of decisions on Plan Changes 1 and 2 are to be publicly notified on Saturday 13 August 2011 and will become operative on Saturday 20 August 2011

The Common Seal of the Canterbury Regional Council was fixed in the presence of:

Bill Bayfield
Chief Executive
Canterbury Regional Council

CANTERBURY REGIONAL COUNCIL THE COMMON SEAL OF

Dame Margaret Bazley, DNZM, Hon DLit
Chair
Canterbury Regional Council

28 July 2011

24 Edward Street, Lincoln
P O Box 345
Christchurch
Phone (03) 365 3828
Fax (03) 365 3194

Environment Canterbury Regional Council
Kaunihera Taiao ki Waitaha

75 Church Street
P O Box 550
Timaru
Phone (03) 688 9060
Fax (03) 688 9067

Table of contents

List of Figures

Part 1 Background Information

Chapter 1: Introduction

1.1 Plan Structure

This plan is in three volumes:
Volume 1 consists of three parts set out below.
Volume 2 consists of the planning maps.
Volume 3 consists of the Coastal Hazard Zone maps.

Part 1 Background Information

Chapter 1 is an introductory chapter. It tells you the purpose of this plan, what it covers and how to use it.

Chapter 2 sets out the statutory basis of the Regional Coastal Environment Plan, including the Resource Management Act 1991 (the Act) and the roles of other agencies.

Chapter 3 describes Canterbury's coastline by outlining its characteristics, values and resource management issues.

Chapter 4 describes the relationship of Tangata Whenua with the coastal environment.

Part 2 Issue Resolution

Identifies the resource management issues for Canterbury's coastal environment and how they may be resolved through the development of objectives, policies and methods, including rules.

Chapter 5 Summary of Resource Management issues covered by this plan.

Chapter 6 sets out a range of objectives, policies and methods which recognise and provide for the preservation of the natural character of the coastal environment as a matter of national importance.

Chapter 7 identifies the issues in relation to water quality. It provides water quality standards to prevent further degradation of coastal water while improving existing degraded areas.

Chapter 8 focuses on activities and structures in the Coastal Marine Area to ensure there are no adverse impacts on the environment.

Chapter 9 identifies the issues in relation to coastal hazards in the coastal environment and provides solutions for minimising the costs of damage.

Part 3 Processes and Monitoring

Chapter 10 deals with cross boundary processes.

Chapter 11 outlines the monitoring strategy for the coastal environment and specifies the review period of the plan and the process for the review.

Chapter 12 sets out how to make an application for a coastal permit or a land use consent and the information to be provided in the application.

1.2 Plan Purpose

The purpose of this Plan is to promote the sustainable management of the natural and physical resources of the Coastal Marine Area and the coastal environment and to promote

the integrated management of that environment. In particular, the Plan sets out the issues relating to:

(i) protection and enhancement of the coast;

(ii) water quality;

(iii) controls on activities and structures; and

(iv) coastal hazards.

The Plan sets out objectives, policies, and methods including rules to resolve these issues and to improve the coastal environment now so that future generations can continue to enjoy it.

1.3 Areas to which the Plan applies

The Coastal Marine Area

The statutory area that a "Regional Coastal Plan" must deal with is the "Coastal Marine Area", but for the reasons set out below Environment Canterbury has prepared this Regional Coastal Environment Plan which covers both the Coastal Marine Area and areas immediately landward of this.

The Coastal Marine Area is the foreshore, seabed, and coastal water, and the air space above the water between the outer limits of the territorial sea (12 nautical miles) and the line of Mean High Water Springs (MHWS).

Generally, MHWS is the line of the average of the highest tides (known as spring tides).

Where this line crosses a river, the Coastal Marine Area boundary has been determined in accordance with the Act.

On all the maps of this plan, MHWS is shown as an indicative line only. Due to the changing nature of much of our coastline it is very difficult to show this line accurately. The position of some unauthorised reclamations is an issue yet to be resolved regarding the placing of the Coastal Marine Area boundary.

MHWS has not been surveyed on the Canterbury coast. Therefore, this indicative line cannot be used as a legally defined line due to the margin of error involved. In the event of any dispute as to the precise location of the line of MHWS Environment Canterbury undertakes to establish the line for that specific area.

The Regional Coastal Environment

Environment Canterbury has prepared this Regional Coastal Environment Plan, which includes the statutory requirement to prepare a Regional Coastal Plan for the Coastal Marine Area, as well as an extension to that Plan area to promote integrated management. Section 64 (2) of the Act, states that *"a Regional Coastal Plan may form part of a regional plan where it is considered appropriate in order to promote the integrated management of a Coastal Marine Area and any related part of the coastal environment"*.

Environment Canterbury considers that there are four concerns which connect the landward aspect of the coastal environment with the Coastal Marine Area and which require a measure of integrated management. These concerns are crucial to the purpose of the Act in promoting the sustainable management of natural and physical resources. They are:

(i) coastal hazards which are an issue landward of MHWS and where the regional council has, as a function the avoidance or mitigation of natural hazards;

(ii) the issue of access, which is accepted as one requiring integrated management. Issues, Objectives, Policies and Methods relating to cooperation between Environment Canterbury and territorial local authorities have been included in the Regional Policy Statement to achieve overall regional coordination;

(iii) areas of high natural, physical or cultural value where such areas are within or landward of the Coastal Marine Area; and

(iv) coastal water quality.

On this basis Environment Canterbury has incorporated the four concerns set out above into a wider planning framework. The "coastal environment" referred to in the title of the Plan is defined in the Definition of Terms. The Plan develops Objectives, Policies and Methods for the coastal environment, which includes the Coastal Marine Area, but only includes rules where they clearly lie within Environment Canterbury's functions under the Act.

1.4 Relationship with the Regional Policy Statement, Regional Plans and the New Zealand Coastal Policy Statement

In preparing this Regional Plan Environment Canterbury had regard to the Regional Policy Statement. Now the Regional Policy Statement is operative, this Plan cannot be inconsistent with it.

The Regional Policy Statement recognises that a Regional Coastal Plan is mandatory, but states that Environment Canterbury will prepare a Regional Coastal Environment Plan because it provides for integration of resource management issues across the land/water interface of the coast.

Under the requirements of the Act, this Plan cannot be inconsistent with other Regional Plans. The rules in this Plan operate at the same time as those in two existing plans and one proposed plan:

(a) the Transitional Regional Plan;

(b) the Opihi River Regional Plan; and

(c) the Proposed Land and Vegetation Management Regional Plan.

The Transitional Regional Plan contains provisions relating to activities in the beds of rivers which remain in force unless superseded by provisions in an operative regional plan.

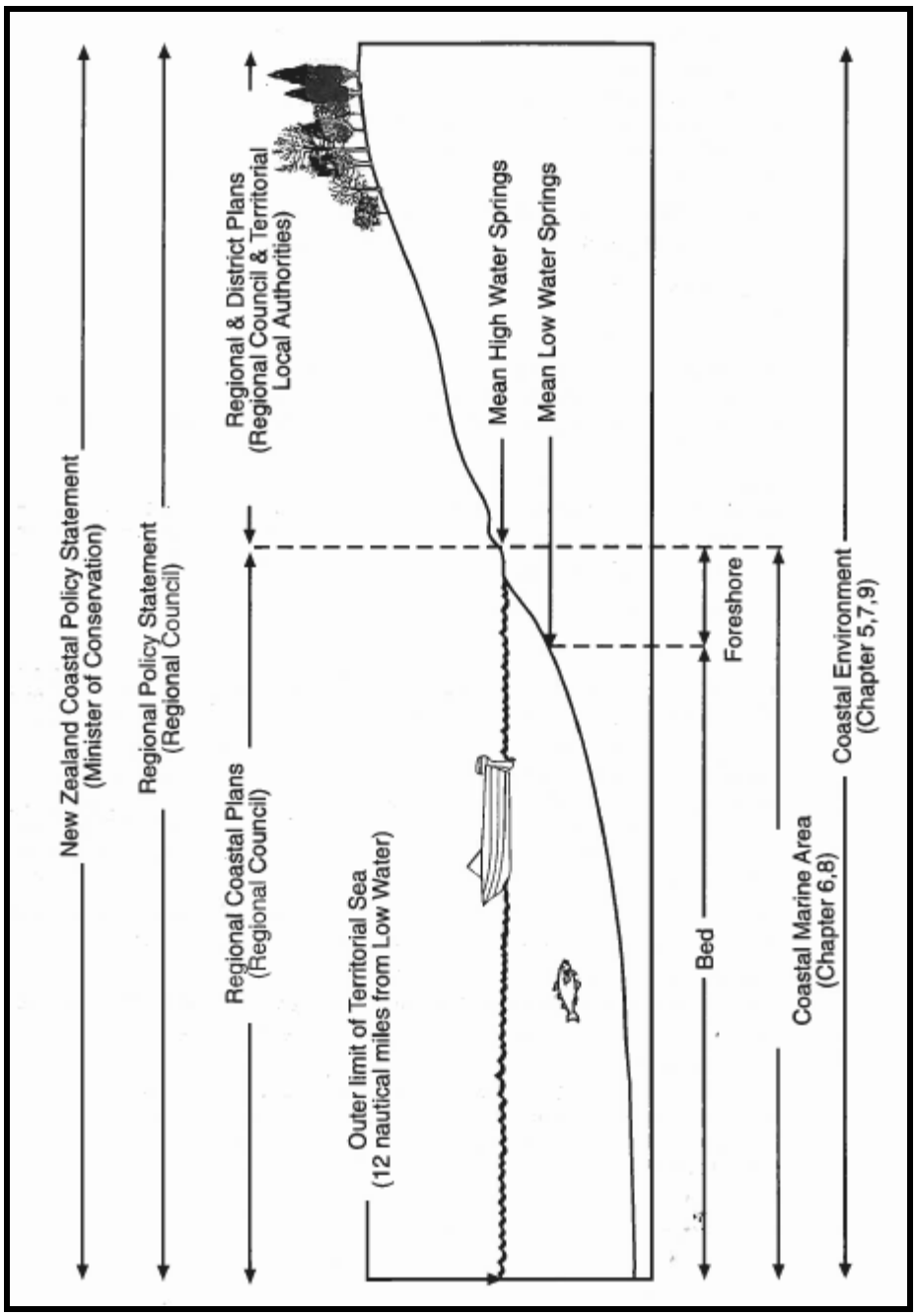
The Opihi River Regional Plan contains a policy and a method dealing with the opening of the Opihi River mouth. The Opihi River mouth is in the Coastal Marine Area, as is the Opihi River lagoon, which is affected by Opihi River mouth openings. Part of the Opihi River Regional Plan was therefore deemed to be a Regional Coastal Plan. This part was approved by the Minister of Conservation on 27 June 2001 and made operative on 26 November 2001.

In the Proposed Land and Vegetation Management Regional Plan, Coastal Hazard Zones are covered by the rules in the Hazard Zones of this Plan

The New Zealand Coastal Policy Statement contains directions to Regional and District Councils regarding policies and rules to be considered in the preparation of their plans.

The New Zealand Coastal Policy Statement represents the national policy towards the whole coast of New Zealand. It also deals, in its objectives and policies, with the coastal environment. The Minister of Conservation is required, under the Act, to approve the Regional Coastal Plan for the Coastal Marine Area. However, the whole Regional Coastal Environment Plan cannot be inconsistent with the New Zealand Coastal Policy Statement. (See Figure 1.1)

Figure 1.1 The Coastal Environment



1.5 How to use this Plan

The Plan manages the effects of activities in the Coastal Marine Area and the coastal environment through a range of methods including:

(i) advocacy;

(ii) information provision/education;

(iii) identification and investigation;

(iv) coordination and facilitation;

(v) other legislation; and

(vi) regional rules.

Regional rules cover:

(a) Coastal protection and enhancement;

(b) Coastal water quality;

(c) Activities and Structures in the Coastal Marine Area; and

(d) Coastal Hazards.

The rules specify: the standards and terms which must be met; matters, if any, to which Environment Canterbury has restricted its discretion; the effect on existing permits; and any exemptions from the rules. Activities covered by rules fall into seven types, (sections 2(1) and 77B).

1. Permitted Activities

"If an activity is described in this Act, regulations, or a plan or proposed plan as a permitted activity, a resource consent is not required for the activity if it complies with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

2. Controlled Activities

"If an activity is described in this Act, regulations, or a plan or proposed plan as a controlled activity,—

(a) a resource consent is required for the activity, and the consent authority has no power to decline that resource consent; and

(b) the consent authority must specify in the plan or proposed plan matters over which it has reserved control; and

(c) the consent authority's power to impose conditions on the resource consent is restricted to the matters that have been specified under paragraph (b); and

(d) the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

3. Restricted Discretionary Activities

"If an activity is described in this Act, regulations, or a plan or proposed plan as a restricted discretionary activity,—

(a) a resource consent is required for the activity; and

(b) the consent authority must specify in the plan or proposed plan matters to which it has restricted its discretion; and

(c) the consent authority's powers to decline a resource consent and to impose conditions are restricted to matters that have been specified under paragraph (b); and

(d) the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

4. Discretionary Activities

"If an activity is described in this Act, regulations, or a plan or proposed plan as a discretionary activity,—

(a) a resource consent is required for the activity; and

(b) the consent authority may grant the resource consent with or without conditions or decline the resource consent; and

(c) the activity must comply with the standards, terms, or conditions, if any, specified in the plan or proposed plan."

5. Non-complying Activities

"If an activity is described in this Act, regulations, or a plan or proposed plan as a non-complying activity,—

(a) a resource consent is required for the activity; and

(b) the consent authority may grant the resource consent with or without conditions or decline the resource consent."

6. Prohibited Activities

"If an activity is described in this Act, regulations, or a plan as a prohibited activity, no application may be made for that activity and a resource consent must not be granted for it. "

Application for Consents

Chapter 12 explains how to make an application for a consent to undertake the activities governed by the regional rules contained in this Plan. Chapter 12 also details the information that must be provided with the application.

An applicant for a resource consent, or any person who made a formal submission on the application, has the right of appeal to the Environment Court if not satisfied with the decision made by Environment Canterbury.

Chapter 2: Planning Framework

2.1 The Resource Management Act 1991

The purpose of the Act is *"to promote the sustainable management of natural and physical resources."*

In the 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 wellbeing 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."

Functions of the Environment Canterbury in the Coastal Marine Area

"Section 30. Functions of regional councils under this Act -

(1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:...

(d) In respect of any coastal marine area in the region, control (in conjunction with the Minister of Conservation) of -

i) Land and associated natural and physical resources:

ii) The occupation of space on land of the Crown or land vested in the regional council, that are foreshore or seabed, and the extraction of sand, shingle, shell, or other natural material from that land:

iii) The taking, use, damming, and diversion of water:

iv) Discharges of contaminants into or onto land, air, or water and discharges of water into water:

v) Any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:

vi) The emission of noise and the mitigation of the effects of noise:

vii) Activities in relation to the surface of water: "

This will also include any other functions specified in the Act. For instance, setting esplanade reserves on reclamations in the Coastal Marine Area.

The Functions of Environment Canterbury and the Minister of Conservation with respect to (i), (ii) or (vii) "*do not apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to conserve, use, enhance, or develop any fishery controlled under the Fisheries Act 1996*."(Section 30(2))

In achieving the purpose of the Act, all persons exercising functions and powers under it must recognise and provide for matters of national importance; have particular regard to other matters; and take into account the principles of the Treaty of Waitangi; as defined by Sections 6, 7, and 8 of the Act:

"6. ***Matters of national importance*** *-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 recognise and provide for the following matters of national importance:

(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:

(f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

7. ***Other matters*** *-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 have particular regard to -*

(a) Kaitiakitanga:

(aa) The ethic of stewardship:

(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) Repealed:

(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.

8. ***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)."*

2.2 The New Zealand Coastal Policy Statement

Under Section 67(3) of the Act this Plan must give effect to the New Zealand Coastal Policy Statement (NZCPS).

2.3 The Regional Policy Statement

Under 67 (3) of the Act this Plan cannot be inconsistent with the Regional Policy Statement (RPS) for the region.

Chapter 11 of the RPS deals directly with the Coastal Environment but there are also relevant issues, objectives, policies and methods in other chapters. Five issues are identified in the chapter:

(a) the adverse effects of human activities on the natural environment, on coastal amenity values, and on cultural and heritage values;

(b) public access to and along the coastal marine area;

(c) The adverse effects of noise, speed of watercraft or vehicles, and conflicts between recreational activities on people's health, safety, amenity and other values;

(d) Discharges of contaminants; and

(e) Natural hazard issues.

Only the first three issues are dealt with by Chapter 11 of the RPS. The Objectives and policies relating to these issues are repeated below:"

"Objective 2

Achieve improved access to and along the coastal marine area to enhance recreational opportunities and the ability of Tangata Whenua to exercise kaitiakitanga, where it will not lead to activities which could :

(a) significantly degrade areas and values identified in objective 1.

(b) compromise human safety or security.

(c) damage natural buffers to coastal erosion.

(d) conflict with landowners or occupiers activities.

Policy 3

The Canterbury Regional Council and Territorial Local Authorities should identify areas within the coastal environment where:

(a) it is preferable that access be controlled or not be improved to protect the areas and values identified in objective 1 and public safety.

(b) access is to be enhanced to increase recreation opportunities and for Tangata Whenua to exercise kaitiakitanga.

(c) access should be controlled to prevent those areas becoming more susceptible to coastal erosion.

(d) access should be resolved with the landowner or occupier to avoid conflict with their activities."

2.4 Roles and Responsibilities of Agencies in the Coastal Environment

The coastal environment is managed (as a statutory requirement) by the Minister of Conservation, regional councils and territorial authorities. This relationship is illustrated in Figure 1.

There are other agencies which have responsibilities under the Act and other legislation, within the coastal environment. The responsibilities of these agencies are described below.

The Minister and Department of Conservation

Not only is the Minister of Conservation required to produce a New Zealand Coastal Policy Statement (NZCPS) but the Minister also has the role of approving the Regional Coastal Plan for the Coastal Marine Area. The New Zealand Coastal Policy Statement can also have policies on the Minister of Conservation's role in deciding resource consents in areas in the Coastal Marine Area. The Canterbury and Nelson-Marlborough Conservancies of the Department of Conservation have identified a number of areas along the Region's coastline as having significant conservation value. These have been adopted as Areas of Significant Natural Value and are listed in Schedule 1.

The Department of Conservation also has a management role in the coastal environment under a range of Acts including:

(i) the Marine Reserves Act 1971;

(ii) the Marine Mammals Protection Act 1978;

(iii) the Conservation Act 1987; and

(iv) the Wildlife Act 1953.

The Minister and Ministry for the Environment

Monitoring of the effects and implementation of the Resource Management Act 1991 is the responsibility of the Minister for the Environment. The Minister also has the ability to "call-in" projects of national significance.

The Minister and Ministry of Fisheries

The Fisheries Act 1983 assigns to the Ministry of Fisheries a statutory responsibility to manage and conserve fisheries and fishery resources within New Zealand's fisheries waters. Fishery resources are defined in this Act as encompassing all aquatic flora and fauna, as well as aquatic habitats. With respect to aquaculture, the Ministry of Fisheries role and responsibilities have changed as a consequence of the enactment of the Resource Management Act 1991 and amendments to the Marine Farming Act 1971 and Fisheries Act 1983.

Regional councils have no powers under the Resource Management Act relating to the "control or enhancement of aquatic organisms" (Section 30 (2)), but do have responsibility for the control of the associated structures and occupation of the Coastal Marine Area. Regional councils now assume responsibility for approving and managing the effects of new marine farming ventures where these involve occupation of space and/or structures in the Coastal Marine Area. All marine farms also require a permit under the Fisheries Act to catch spat and to possess and harvest farmed fish. The Ministry also has control over the harvesting or enhancement of populations of aquatic organisms.

The Ministry has the lead role in developing and implementing policy in relation to ballast water under the Biosecurity Act 1993.

The Minister of Transport and Maritime Safety Authority

The Maritime Transport Act 1994 gives the Maritime Safety Authority the responsibility for navigation, safety and the standards of vessels operating commercially. Environment Canterbury is responsible for administering the regulation of navigation and safety within harbour limits. The Maritime Safety Authority is also responsible for administering Maritime Rules on all waters other than those covered by harbour bylaws and has certain responsibilities for marine pollution under the Maritime Transport Act 1994. That Act gives regional councils responsibility for preparing Oil Spill Contingency Plans.

Territorial Local Authorities

Territorial Local Authorities are responsible for managing the effects of the use of land outside the Coastal Marine Area, where provided for in the Regional Policy Statement, including the avoidance or mitigation of natural hazards. The principal instrument for doing this is the District Plan prepared under the Resource Management Act. Under the Local Government Act 2002, territorial authorities can make and administer bylaws within their gazetted area (usually down to mean high water mark) with regard to specific activities. These include unleashed animals, nude bathing, female and male bathing beach facility segregation and litter control.

In the case of the Banks Peninsula District Council, its gazetted district boundary is drawn across the entrances of bays. The Christchurch City Council gazetted district boundary crosses the mouth of the estuary of the Avon and Heathcote Rivers, and that of the Waimakariri District Council crosses the mouth of the Ashley River estuary.

District Councils also have responsibility for reserve land in their control.

District plans must be prepared by all territorial authorities to assist them in carrying out their functions under the Act.

"A district plan must give effect to any national policy statement or a New Zealand coastal policy statement and must not be inconsistent with-

(a) a water conservation order; or

(b) the regional policy statement; or

(c) a regional plan for any matter specified in Section 30 (1)."

Public Health Agencies

Core public health services are delivered, under contracts with Ministry of Health and their regional agents, by public health agencies. Within the coastal environment these services cover any matters that may impact or affect the health of the public, and includes recreational and shellfish gathering, water quality, sewage disposal, waste management, environmental noise management, and contaminated land sites.

Royal New Zealand Navy Hydrographic Office

The Hydrographic Office of the Royal New Zealand Navy surveys and charts the waters of New Zealand to help ensure that shipping can safely navigate the waters of New Zealand.

This page is intentionally blank

Chapter 3: Resource Overview

3.1 Introduction

The Canterbury coastline extends nearly 800 kilometres from Kekerengu Point, which is about 20 kilometres north of the Clarence River mouth to the Waitaki River in the south. There are a number of distinct geographical units along this coastline.

Their characteristic features are identified below by dividing the coast into nine geographical units based on the dominant landscape features. Issues specific to each geographical units are also listed. These are in addition to the issues that concern the coastline as a whole. Later chapters of the Plan deal with these issues through specific Objectives, Policies and Methods, including Regional Rules.

3.2 Overview

Canterbury-wide Description

The sea area of the Coastal Marine Area is approximately 11,620 square kilometres. The continental shelf extends offshore; approximately 140 km wide at its maximum in the Canterbury Bight. It narrows between Haumuri Bluff and the Kaikoura Peninsula where undersea canyons provide deep inshore feeding grounds for marine mammals, particularly whales. Three major coastal currents affect coastal waters carrying nutrients to support the food chain allowing a diversity of marine flora and fauna.

There is a considerable variety of land and seascapes - long sand and shingle beaches, mudflats and rocky shores. In the north the scenic Kaikoura coast with its dramatic and dynamic vistas, has a highway and railway that are vulnerable to the sea. Pegasus Bay has broad sweeping stretches of sand beaches and estuaries that lead to Banks Peninsula with its deeply indented volcanic remnants. The long curve of the Canterbury Bight with its highly erodible coastline continues on to the artificially constructed Port of Timaru. Beyond this the coastal plain narrows towards the Waitaki River.

Canterbury-wide Issues

- Adverse effects of human activities on the life supporting capacity of coastal ecosystems.
- Adverse effects of discharges of contaminants on water quality.
- The need to provide for use and development of coastal resources while maintaining the natural character of the coastal environment.
- Adverse effects of activities on cultural and heritage values including those values important to Tangata Whenua.
- The effects of natural hazards such as coastal erosion and inundation.

3.3 The Kaikoura Area

Description

- A rich and diverse inter-tidal ecosystems and marine life, including seabirds, fur seals, dolphins and whales.
- Reefs, rocky platforms, and intervening shingle beaches, with cliff and rock headlands including Kaikoura Peninsula as a distinctive feature.

- Often rough and spectacular sea conditions set against an inland hill and mountain backdrop.
- The largely undeveloped but accessible coastline with widespread indigenous vegetation including kelp beds.
- Tourist services, tourism infrastructure, and recreational pursuits such as surfing and diving based on natural features and wildlife.
- Commercial and recreational fisheries resources.
- Kaikoura and many small coastal settlements.
- The main State Highway and the Main Trunk Railway running adjacent to the coast.

Issues

- Threats from tourism and fishing and other activities on Tangata Whenua values including water quality issues impacting on kai moana.
- Maintenance of vulnerable sections of the railway and highway adjacent to the sea"
- Providing for tourism, fishing and other activities on the narrow coastal margins while maintaining the high natural character of the area.

3.4 North Canterbury

Description

- A rugged coastline from the Conway River to the Waipara River of heavily eroded sedimentary rocks, limestone bluffs, mixed sand and gravel beaches backed by a hilly hinterland.
- Unusual features such as "Cathedrals" near Gore Bay - steep rock pillars of red conglomerate and sandstone.
- Rocky reefs and islets supporting New Zealand fur seal and seabird colonies.
- The Nature Reserve of Motunau Island, Canterbury's largest offshore island, important for its wide variety of birdlife including white flippered penguins.
- Small holiday settlements and recreational fishing and diving along a generally inaccessible coast including a commercial fishing settlement at Motunau.
- Wide recreational use of walkways, beaches, lagoons, river mouths and sand dunes.
- Remnant forest areas, including the protected areas of Napenape and Manuka Bay.
- Important wildlife areas at the Conway River lagoon and the Waiau River mouth.

Issues

- Erosion threatening the Motunau settlement.
- Problems with sewage disposal for some small coastal settlements.
- Protection of the wildlife and natural values of Motunau Island.
- Pressures of high use of parts of the coast for food gathering.

3.5 Pegasus Bay

Description

- A wide bay extending from the Waipara River to the estuary of the Avon and Heathcote Rivers /Ihutai.
- Low-lying and generally stable sand and gravel beaches backed by extensive sand dune systems.
- Substantial ponds, lagoons and estuaries, such as Brooklands Lagoon and the Ashley/Saltwater Creek Estuary providing fresh and brackish water and saltmarsh areas supporting a variety of indigenous plants.
- The mouths of the braided rivers and their coastal lagoons are important ecosystems, providing feeding, resting, and breeding habitats for migratory, wading and native bird species, as well as breeding grounds for fish such as flounder and whitebait.
- High recreational use, with significant holiday and retirement settlements adjacent to the coast.
- Dynamic river mouth environments affected by floods and mouth closures and openings.

Issues

- Low water quality in rivers discharging into the Coastal marine Area.
- Conflicts over recreational use of land and water resources.
- Impacts of high recreation use on the dune systems and on the wildlife and vegetation of the estuaries, lagoons and dunes.
- Inappropriate destruction and disturbance of foreshore and marine habitat.
- Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries.

3.6 Estuary of the Heathcote and Avon Rivers/Ihutai

Description

- An 8 square kilometre estuary for two rivers protected from the sea by a sandy spit.
- A wide variety of native bird species, invertebrates, and fish.
- Indigenous plant communities including remnants of saltmarsh and wetland vegetation.
- High natural values adjacent to a highly urbanised area, with urban development to its margins.
- A very high level and variety of recreational use.
- Variable water quality with runoff from urban areas and a large scale sewage treatment works for Christchurch discharging treated sewage effluent into the Estuary.

Issues

- The conflicts between high wildlife values and public access, adjacent shoreline development, and heavy recreational use.
- Water quality in the Estuary with its high contaminant loading that provides nutrient enrichment but conflicts with food gathering and water contact recreation.

- Conflicts between recreational use and residential amenity values.
- The highly urbanised South Brighton Spit, which is the seaward boundary of the Estuary, is subject to periodic fluctuations in size and shape, putting development at risk.
- Inappropriate destruction and disturbance of foreshore and marine habitat.
- Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries.
- Adverse effects on water quality and habitats from the discharge of human sewage and other contaminants.
- Discharge of human sewage damaging the wairua of water bodies.

3.7 Banks Peninsula

Description

- Highly distinctive landform featuring the water filled craters of two extinct volcanoes with steep valleys and a rugged and remote indented coastline extending from the mouth of the Estuary of the Heathcote and Avon Rivers /Ihutai to the eastern end of the Kaitorete Spit.
- Two large natural harbours, Lyttelton Harbour /Whakaraupo and Akaroa Harbour with many bays suitable for boat moorings and safe anchorage.
- Numerous shore platforms, sandy beaches, stone and boulder beaches, mudflats and sea caves.
- Close proximity to Christchurch and heavy usage for water recreation and also important as a recreational fishery.
- The commercial Port of Lyttelton services vessels with a variety of cargo handling equipment, storage facilities and wharves. It is the principal commercial port in the region and the largest in the South Island. It is recognised by the Regional Policy Statement as strategically significant and its continuing operation essential for the economic functioning and wellbeing of the region.
- Recreation and tourism activities associated with Lyttelton Harbour /Whakaraupo and Akaroa Harbour and the Lyttelton and Akaroa townships.
- Generally high water quality.
- A large range of habitats supporting many wildlife species, including. Hectors Dolphin, seal groups, sooty shearwaters and penguins.

Issues

- The need to provide for the operations and development of the Port of Lyttelton.
- Competing and potentially conflicting demands for recreational fishing, marine farming and other water-based activities, and commercial use of the sheltered bays and harbours.
- The effects of heavy use and development of the coastal marine environment and increasing demands for provision of infrastructure such as boatsheds and moorings on the natural character and high natural values of the coast.
- Low water quality in some bays and harbours.
- Demands for maintenance and enhancement of public access to the coastal environment.
- Clearance, burning, fragmentation and modification of indigenous coastal vegetation and loss of wildlife habitat.

- Inappropriate destruction and disturbance of foreshore and marine habitat.
- Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries.
- Subdivision and development in the coastal environment, including boat sheds, wharves, marine farms, moorings, breakwaters and structures associated with coastal protection works.
- Adverse effects on landform and other natural features from quarrying, earthworks, erection of structures, and other developments.
- Adverse effects on water quality and habitats from the discharge of human sewage and other contaminants.
- Discharge of human sewage damaging the wairua of water bodies.
- Siltation caused by runoff or sediment from dredged materials adversely affecting aquatic ecosystems.

3.8 Kaitorete Spit

Description

- Kaitorete Spit is a 26 kilometre long shingle barrier separating Lake Ellesmere - Te Waihora from the sea.
- Formed by sand and gravel driven along the shore by southerly wave action. The sea bed shelves steeply off the beach. Contains a high quality silicon sand resource.
- Kaitorete Spit supports native grasses, pingao, lizards and indigenous insects.
- Lake Ellesmere -Te Waihora is subject to a National Water Conservation Order for its outstanding wildlife habitat with recorded sightings of 161 bird species.

Issues

- The need to manage the water levels of the adjacent Lake Ellesmere -Te Waihora through mouth openings.
- Water quality associated with discharges of lake water into the sea.
- Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries.

3.9 The Canterbury Bight

Description

- The shoreline of the Bight is largely a narrow sand and gravel beach with the sea bed shelving steeply off the beach.
- The shoreline of the Bight is erosion prone, often receding at a rate between 0.5 to 1.0 metres a year.
- The mouths of the braided rivers and their coastal lagoons provide important habitats for indigenous birds, fish, invertebrates and plants.
- The chain of coastal lagoons and wetlands are important for migratory birds.

- River mouth areas have small holiday settlements, such as those of Rakaia Huts, Rangitata Reserve, and Milford.
- Offshore waters are commercial fishing grounds.

Issues

- Coastal erosion, leading to the loss of agricultural land, threats to some holiday settlements, and a reduction of coastal lagoons and wetlands.
- Water quality, with some areas such as the Ashburton River /Hakatere and Opihi River Mouths having water quality that is at times unsuitable for swimming or seafood gathering.
- The need to artificially open some river mouth lagoons to avoid flooding, allow fish migration or to improve water quality.
- Limited public access to some parts of the coast.
- Modification of natural processes, including sediment supply to the coast, modification of dune processes, and a reduction in river flows leading to increased frequency and duration of river mouth closures.
- Reclamation and drainage of coastal wetlands and a reduction in water quality and ecosystem integrity of coastal lakes, lagoons and estuaries.

3.10 Timaru

Description

- Exposed stretch of coastline adjacent to Timaru City, subject to erosion and strong long-shore sediment transport processes, or drift.
- Coastal Lagoons such as Washdyke are important wildlife areas.
- The coastal reefs around Smithfield, Dashing Rocks and Patiti are important as marine habitats and for mahinga kai, wahi tapu and other wahi taonga.
- Caroline Bay is a significant recreational resource for the area.
- The Port of Timaru is an important commercial port for the region.

Issues

- Disposal of sewage into the sea from the Timaru urban area. Water quality is also affected by activities associated with the Port, and by urban runoff.
- Erosion at Washdyke threatens the future of the coastal lagoon as well as transport links and industrial development.
- The effects on coastal processes from the existence of the Port of Timaru and its operations and development. In particular the effects on long-shore drift and land accretion and erosion of its breakwaters and dredging.
- The need to provide for the operations and development of the Port of Timaru.
- Heavy use of the reef areas around Timaru City for food gathering.
- Development of Caroline Bay for recreational purposes.

3.11 South Canterbury

Description

- Steep gravel beaches with alluvial cliffs along the coastline from Tuhawaiki Point southwards to the Waitaki River.
- Tuhawaiki reef is an important marine habitat and there are a string of coastal lagoons and wetlands such as Wainono that are significant habitats for a large number of bird species, including waders and water fowl.
- The Waitaki River delta is important for fish species and birdlife.
- The mouths of the rivers are used for recreation and holiday settlements.

Issues

- Coastal erosion that is occurring at a rapid rate, limiting use of the coastal strip and leading to the loss of wildlife habitats in coastal lagoons and wetlands.
- Industrial discharges causing localised reductions in water quality.

This page is intentionally blank

Chapter 4: Tangata Whenua and the Coastal Environment

4.1 Tangata whenua

In Te Wai Pounamu (the South Island), one tribe, Ngai Tahu[1] occupies all but the most northern part of the island. The entire Canterbury region lies within the rohe (area) of Ngai Tahu.

4.1.1 Manawhenua

Ngai Tahu Whanui[2] is tangata whenua within the rohe of Ngai Tahu. The iwi is made up of whanau and hapu (family groups) who hold traditional authority - manawhenua, over particular areas. Manawhenua is determined by whakapapa - genealogical ties, and confers traditional political authority over an area. Once acquired, manawhenua is secured by ahi ka - continued occupation and resource use. Environment Canterbury recognises manawhenua through its relationship and consultation with Papatipu Runanga and Te Runanga o Ngai Tahu.

Through the Papatipu Runanga the tangata whenua who hold manawhenua over a particular area or resource will be able to determine the characteristics of kaitiakitanga (guardianship) and how it should be given expression.

4.1.2 Te Runanga o Ngai Tahu

Te Runanga o Ngai Tahu represents the tribal collective of Ngai Tahu Whanui. It was established by the Te Runanga o Ngai Tahu Act 1996 to give a legal identity to the tribe. This Act also establishes Te Runanga o Ngai Tahu as the 'iwi authority' for the purposes of the Resource Management Act (1991).[3]

Environment Canterbury in its liaison and consultation with Ngai Tahu deals with both Te Runanga o Ngai Tahu and the ten Papatipu Runanga within the region.

In 1998 the Ngai Tahu Claims Settlement Act was passed to achieve full and final settlement of historical Ngai Tahu claims against the Crown. This Act, amongst other things, identifies taonga species and establishes topuni, statutory acknowledgements and nohoanga sites.[4] These instruments recognise the special association of Ngai Tahu with these areas and species for the purpose of improving the effectiveness of Ngai Tahu participation in resource management, specifically building on Part II of the Resource Management Act (1991).

The location of these areas in the Canterbury region is shown in Figure 4.1 and information relating to these statutory areas is included below in Section 4.10. There are also other sites of significance that are important to local Runanga, but are not included in the statutory areas. This highlights the need for consultation with Papatipu Runanga.

The Treaty of Waitangi, and legislative responsibilities under the Resource Management Act, the Te Runanga o Ngai Tahu Act, and the Ngai Tahu Claims Settlement Act, obligate Environment Canterbury to consult with and consider resource management decisions from the perspective of Papatipu Runanga as well as Te Runanga o Ngai Tahu, the iwi authority.

---

[1] In this plan the term “Ngai Tahu” and “Ngai Tahu Whanui“ have the same meaning.

[2] Ngai Tahu Whanui refers to the collective of the individuals who descend from the primary hapu of Waitaha, Ngati Mamoe, and Ngai Tahu, namely, Kati Kuri, Kati Irakehu, Kati Huirapa, Ngai Tuahuriri, and Kai Te Ruahikihiki as described in Section 2 of the Te Runanga o Ngai Tahu Act (1996).

[3] Subsection 2 of section 15 of the Te Runanga o Ngai Tahu Act (1996) “Where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngai Tahu Whanui, be held with Te Runanga o Ngai Tahu.”

[4] See Appendix 1 for definitions of terms.

Ngai Tahu Whanui, represented by Papatipu Runanga and Te Runanga o Ngai Tahu, comprise people of Ngai Tahu, Ngati Mamoe and Waitaha descent, and hold customary tribal authority over an area that includes the entire Canterbury region.

Ngai Tahu Whanui, represented by Papatipu Runanga and Te Runanga o Ngai Tahu, is Tangata Whenua in the Canterbury Region

4.1.3 Papatipu Runanga in the Canterbury Region

Papatipu Runanga (Runanga) are modern representative bodies of the whanau and hapu of traditional marae based communities. Each Runanga has its own area, determined by natural boundaries such as mountain ranges and rivers. These areas are called takiwa or rohe and are defined in the Te Runanga o Ngai Tahu Act (1996).[5]

Papatipu Runanga are the modern day representatives of the people who hold manawhenua over a particular area and its resources. Manawhenua encompasses the concept of kaitiakitanga (guardianship). For consultation purposes arising from this plan and the Resource Management Act, initial contact should be through the Papatipu Runanga who are the kaitiaki over the areas concerned to ensure their views and values are considered.

Figure 4.2 shows the names and marae locations of the ten Papatipu Runanga whose rohe have common area with the Canterbury region. It also shows the administrative boundaries for each Runanga used by Environment Canterbury in the resource consent application process. Although they are not the traditional boundaries as recorded in the Te Runanga o Ngai Tahu Act, these boundaries provide a guide as to the appropriate Papatipu Runanga to contact for consultation purposes.[6] Early consultation and explanation of what is proposed can save time and money later.

The First Schedule of the Resource Management Act 1991 requires the Canterbury Regional Council to consult with the Tangata Whenua of the area who may be affected during the preparation of a plan. The consultation is required to be undertaken through Iwi authorities and tribal Runanga.

In order to have regard to kaitiakitanga and manawhenua, consultation needs to be undertaken with the appropriate Papatipu Runanga

4.2 Other Planning Documents

The Regional Policy Statement (RPS) for the Canterbury Region sets out matters of resource management significance to Tangata Whenua. The RPS also provides for the Tangata Whenua to be involved in resource management through:

- consultation;
- exploring opportunities for Tangata Whenua involvement in decision making;
- dispute resolution procedures;
- mutual education and promotion;
- joint management of sites;

[5] Te Runanga O Ngai Tahu Act (1996), Schedule 1.

[6] For Runanga contact details contact Environment Canterbury's Customer Services (03 365 3828 or 0800 32 4636, 0800 EC INFO)

- involvement in the regional planning and resource consent processes;
- involvement in the monitoring of those processes; and
  the encouragement of the preparation of Iwi Management Plans.

4.3 Kaitiakitanga

Kaitiakitanga is the expression of Maori authority, mana, ethics and guardianship. Tangata Whenua are the keepers and caretakers of knowledge relating to natural resources and the protectors of those resources.

Kaitiakitanga is fundamental to the relationship of Tangata Whenua and the environment. Kaitiakitanga in relation to a particular resource can only be exercised by the particular Tangata Whenua who are the Kaitiaki for the area.

All persons exercising powers and functions under the Act, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to Kaitiakitanga (Section 7). Yet Kaitiakitanga is not explained adequately in the Act.

Kaitiakitanga is an environmental decision making system which has been developed by Tangata Whenua, and in this case Ngai Tahu, to fulfil their responsibility towards the environment. The responsibility of Kaitiaki is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state.

Kaitiakitanga is a broad notion which includes the following ideas:

- guardianship;.
- care;
- wise management; and
- resource indicators, where resources themselves indicate the state of their own mauri.

Kaitiakitanga may be practised through:

- the maintenance of wahi tapu, wahi tipuna and other sites of importance;
- the management of fishing grounds (mahinga mataitai, taiapure);
- protecting the environment from degradation and mitigating adverse effects;
- observing the maramatanga (lunar calendar);
- observing the tikanga of sowing and harvesting;
- designing settlements in keeping with the environment; and
- customary techniques such as rahui, tapu, and mana.

Kaitiakitanga is linked inextricably to Tino Rangatiratanga as it may only be practised by those iwi, hapu, Runanga or Whanau who possess Tino Rangatiratanga in their tribal area.

Families and subtribes, and sometimes individuals, are charged with the tasks of Kaitiakitanga. Kaitiaki often receive their mana or authority with respect of a particular locality, place or resource. For example, a family or individual might be the Kaitiaki for a pa or for a fishing ground because they possess an intricate knowledge of the local environment and Whakapapa.

Kaitiakitanga is a proactive and preventative approach to environmental management. However, this traditional management system has rarely had the opportunity to address large scale environmental degradation. For example, the mauri of places experiencing long term sewage discharges, have been adversely affected. Ngai Tahu feel that if Kaitiakitanga had been recognised, such degradation would not have occurred.

4.4 Partnership

Ngai Tahu are a Treaty partner with the Crown under the Treaty of Waitangi, a partnership that is particularly relevant to natural and physical resource management because of Article 2 of the Treaty of Waitangi.

The partnership with Ngai Tahu is recognised in three sections of the Act. These sections require those exercising functions or powers under the Act to:

"... recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga." (Section 6 (e));

"... to have particular regard to kaitiakitanga" (Section 7 (a); and to

"... take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi)" (Section 8).

The meaning of Sections 6(e), 7(a) and 8 has been further clarified by the Parliamentary Commissioner for the Environment[7] as:

"...a strong signal to decision-makers that Tangata Whenua have a special status and are not to be considered as just another interest group"

As part of the Purpose and Principles of the Act the Regional Council recognises that it must give effect to Sections 6(e), 7(a) and 8 through the objectives, policies and methods of the Regional Coastal Environment Plan.

4.5 Relationship

The Regional Council has a relationship with Ngai Tahu in the Region which has been developed jointly with Runanga of the Canterbury Region. An Iwi Liaison Unit has been established to facilitate this relationship. Full time staff are employed out of the Timaru and Christchurch offices of the Council and other work is undertaken on a contract basis. Administrative and consultative procedures are in place to ensure that adverse effects on the relationship of Ngai Tahu with resources as a result of granting a resource consent are recognised and provided for.

In its Regional Policy Statement the Council has formulated a number of policies that must be complied with in its relationship with Ngai Tahu:

"Policy 1

The Regional Council, in recognition of the role of Tangata Whenua in resource management, will continue to develop its partnership with Runanga for the management of natural and physical resources and to resolve conflict that may arise over resource management issues. In fostering this relationship the Council will take into account the principles of the Treaty of Waitangi as expressed in case law, and as appropriate to the circumstances, those principles expressed by the Waitangi Tribunal. It will seek to give effect to these principles with the utmost good faith.

Policy 2

The Canterbury Regional Council recognises that individual Runanga are traditional kaitiaki within the rohe of their Runanga and will investigate methods to provide for the greater involvement of individual Runanga in the management of natural and physical resources. The Council may transfer any one or more of its functions, powers or duties to Runanga.

Policy 3

[7] "Proposed Guidelines for Local Authority Consultation with Tangata Whenua". Office of the Parliamentary Commissioner for the Environment, 1992.

Specific aspects of the relationship of Tangata Whenua , their culture and their traditions with their ancestral lands, water, sites, wahi tapu and other taonga should be recognised and provided for through resource management and planning including provisions in plans, decisions on resource consents and monitoring the state of the environment.

Policy 4

To promote the protection of any site or activity that yields evidence of koiwi tangata (human bones) or artefacts (taonga) from violation or desecration.

Policy 5

(a) Promote the provision of access for Tangata Whenua to their ancestral lands, water, sites, wahi tapu, and other taonga where appropriate.

(b) Promote where appropriate the protection of wahi tapu, wahi taonga and mahinga kai sites of Tangata Whenua from general access where this is required by Tikanga Maori.

Policy 6

Statutory documents should only use Maori place names and refer to Maori culture, history and traditions where correct usage has been determined in consultation with Tangata Whenua."

4.6 Te Tiriti O Waitangi

The general mandate for Maori involvement in resource management stems from Section 8 of the Act which states that:

"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)."

The Treaty is based on the Tino Rangatiratanga of hapu and iwi, a notion which includes self management, independence, autonomy and self determination within the tribal area. In recognising Tino Rangatiratanga, the Treaty of Waitangi also recognises the environmental management system maintained by iwi, hapu, Runanga and Whanau of the region.

The Treaty created the term Kawanatanga or governorship and, as such, provides the constitutional basis of government in New Zealand. In 1991 the Crown, in exercising its Kawanatanga, passed the Resource Management Act, thereby divesting certain roles and functions that impact on Tino Rangatiratanga of iwi to local authorities.

Under the Act, the delegation of resource management powers by the Crown to local authorities is subject to the guarantee of Tino Rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

4.7 Provision for the Relationship of Ngai Tahu with Resources

In accordance with Policy 2 in Chapter 6 of the Regional Policy Statement for the Canterbury Region: *"the Canterbury Regional Council recognises that individual Runanga are traditional kaitiaki within the rohe of their Runanga and will investigate methods to provide for the greater involvement of individual Runanga in the management of natural and physical resources. The Council may transfer any one or more of its functions, powers or duties to Runanga."* The transfer of powers to iwi authorities is provided for under Section 33 of the Act and opportunities to do this will be identified and given effect after discussion and mutual agreement between the parties.

Similarly, in accordance with Policy 2.1.3 of the New Zealand Coastal Policy Statement (1994), where characteristics of the Coastal Environment have been identified as being of special value to Tangata Whenua, the Canterbury Regional Council will consider the transfer

and/or delegation of functions, powers and duties under Sections 33 and 34 of the Act in relation to the management of those characteristics. Schedule 3 lists some areas of value to Ngai Tahu.

4.8 Tangata Whenua Values

Nga Wai (water), Te Moana (sea), Mahinga Kai (traditional food) and Tauranga Waka (landing sites for canoes) are all examples of taonga (treasured elements of a tribe's existence). Ngai Tahu therefore have specific concerns regarding protection of these. The concerns are as follows:

(a) Water Quality

The general concern of Ngai Tahu is that the water quality of the Canterbury region should be suitable for cultural purposes, and the quality of the water should not be altered in a way which affects the cultural use of water as the environment which embodies the culture and nourishes kaimoana.

Specific concerns include:

(i) amenity value, the ability to swim in water;

(ii) the discharge of human excrement into water bodies;

(iii) dairy shed and other agricultural/industrial run-off;

(iv) riparian land use that has downstream effects;

(v) facilities such as sewage outlets that are constructed without consultation with and approval of the Runanga;

(vi) risk to kaimoana from discharges into water;

(vii) discharge of chemicals and other potentially hazardous waste; and

(viii) dumping of waste into the sea.

(b) Mahinga Kai

(i) effects on the habitat of traditional fish species. Protection of spawning sites;

(ii) access to rivers and beaches where mahinga kai is gathered;

(iii) guaranteed access to areas such as wahi tapu and mahinga kai; and

(iv) consultation with Ngai Tahu regarding general access to cultural sites.

The processes of consultation and involvement particularly in the processing of resource consents which may impact on taonga.

Runanga also have issues in relation to resource management within their individual rohe, for example, water quality in Akaroa and Lyttelton harbours, the effects of dredging in Lyttelton, sewage discharges, waste dumping affecting shellfish beds, the future of coastal lagoons, access and fishing easements. Ngai Tahu have advanced a range of measures to address these matters. These measures are set out in the Regional Policy Statement in Chapter 6 and subsequent Chapters. In this plan matters of resource management significance to Tangata Whenua in the coastal environment are integrated through objectives, policies, methods (including rules) rather than being listed as separate provisions.

The Regional Council formally involves Ngai Tahu when it considers applications for resource consents that affect the coastal environment. The procedures that are adopted by the Council at the present time for involving Ngai Tahu are set out below. These procedures are flexible and can be altered from time to time by agreement with Ngai Tahu.

On receipt of an application for a resource consent, a summary of the application is sent to a nominated representative of the Runanga in the rohe of the affected area and to Te Runanga o Ngai Tahu. This calls for a preliminary assessment of possible adverse effects

on Tangata Whenua values. A response within six working days is requested. This notification occurs even prior to the receipt of the application by the Councils own investigating officer who is called upon to report on the actual and potential effects of allowing the activity.

If there are concerns about impacts on Tangata Whenua values, the concerns are reported on and investigated further by the investigating officer in consultation with the Runanga representative and a representative of Te Runanga o Ngai Tahu. Regardless of whether or not concerns are notified, the investigating officer also consults the records in the system of "silent files" held by the Regional Council that identify areas of value to Ngai Tahu that they may not want to be known to the general public.

In some cases, conditions that may mitigate the Runanga or Te Runanga o Ngai Tahu concerns are suggested by the Runanga representative or identified by the investigating officer in the course of further investigations. The reported concerns of the Runanga or Te Runanga o Ngai Tahu representative will have a bearing on whether the application is notified or not, and an assessment of the effects will be placed before those who will make a decision on the application.

4.9 Addressing Tangata Whenua Issues

The Tangata Whenua issues in the Coastal Environment are specifically addressed in Chapters 6 to 9 of this Plan.

Chapter 6

A significant issue in the wider coastal environment that is addressed by Chapter 6 is the adverse effects of human activity on areas of significance to Tangata Whenua. Chapter 6 has the objective of giving particular protection to areas identified in consultation with Ngai Tahu, including wahi tapu, urupa, tauranga waka and mahinga kai. A number of areas of particular value are identified in Schedules 1, 2 and 3.

Chapter 6 also provides for a process that will identify additional areas of cultural value and for joint management with Ngai Tahu of sites and wahi taonga.

Chapter 7

Chapter 7 deals with water quality in the Coastal Marine Area including the effect of discharges of contaminants on the cultural relationship that Tangata Whenua have with water.

The main objective of Chapter 7 requires the protection of wahi tapu and wahi taonga, and requires safeguarding, and where appropriate, enhancing mahinga kai values. The chapter aims at maintaining existing high water quality and improving degraded areas. Policy 7.5 and associated rules make the discharge of human sewage a non-complying activity where this has not first passed through soil or a wetland outside the Coastal Marine Area.

Discharges of untreated sewage from vessels are completely prohibited in a number of bays of Banks Peninsula, (see Policy 7.11 and Rule 7.7).

Chapter 8

Chapter 8 controls activities generally in the coastal marine area and has an objective that includes a requirement to avoid, remedy or mitigate the adverse effects of those activities. A principal issue is the adverse effect on Tangata Whenua values.

The need to protect characteristics of special value to Tangata Whenua is specifically recognised in the policies of Chapter 8, (see Policies 8.3, 8.5 and 8.7). Policy 8.15 specifically provides for small-scale marine farming in Mataitai Reserves.

Chapter 9

Chapter 9 deals with hazards from coastal erosion and seawater inundation. The chapter advocates undertaking beach and dune conservation with Ngai Tahu, including restoration planting with indigenous species. The chapter also seeks to prevent coastal protection works having adverse effects on mahinga kai areas and taonga.

It provides for regular contact with Tangata Whenua for information and advice on sea and shoreline conditions, identification of areas and beach systems at risk, and the development of strategies for protecting areas of high conservation or cultural value.

4.10 Ngai Tahu Statutory Acknowledgements

What are statutory acknowledgements?

A statutory acknowledgement is an acknowledgement by the Crown of the special relationship of Ngai Tahu with identifiable areas. Namely the particular cultural, spiritual, historical and traditional association of Ngai Tahu with those areas (known as statutory areas).

The statutory areas within the Canterbury region are identified on Figure 4.1 and described below.

What are the purposes of statutory acknowledgements?

The purposes of Statutory Acknowledgements are:

- To ensure the particular association of Ngai Tahu with certain significant areas in the South Island are identified and that Te Runanga o Ngai Tahu is informed when a proposal may affect one of these areas.
- To improve the implementation of Resource Management Act (1991) processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

Who may be affected by statutory acknowledgements?

You may be affected by a Statutory Acknowledgement if you are applying for a resource consent for an activity that is within, adjacent to, or directly impacting on an statutory area.

What happens when you apply?

If you are applying for a resource consent for an activity within, adjacent to, or directly impacting on a statutory area:

- Environment Canterbury must send a summary of your resource consent application to Te Runanga o Ngai Tahu, and
- Environment Canterbury must have regard to the Statutory Acknowledgement in going through the process of making the decision on whether Te Runanga o Ngai Tahu is an affected party in relation to the resource consent application.

Purpose of statutory acknowledgements

Pursuant to section 215, and without limiting sections 216 to 219 of the Ngai Tahu Claims Settlement Act 1998, the purposes of statutory acknowledgements are:

(a) To require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu, as required by regulations made pursuant to section 207; and

(b) To require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 208 to 210; and

(c) To empower the Minister of the Crown responsible for management of the statutory areas, or the Commissioner of Crown Lands, as the case may be, to enter into deeds of recognition, as provided in section 212; and

(d) To enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite statutory acknowledgements as evidence of the association of Ngai Tahu to the statutory areas, as provided in section 211.

Limitations on effect of statutory acknowledgements

From Section 217 Ngai Tahu Claims Settlement Act 1998:

Except as expressly provided in sections 208 to 211, 213, and 215:

(a) These statutory acknowledgements do not affect, and are not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaw; and

(b) Without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association with these areas (as described in the statutory acknowledgements) than that person or entity would give under the relevant statute, regulation, or bylaw, if these statutory acknowledgements did not exist.

Except as expressly provided in this Act, these statutory acknowledgements do not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, these statutory acknowledgements do not, of themselves, have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to these statutory acknowledgement areas.

The two Statutory Acknowledgements for the Coastal Marine Area are set out below. However, there are also Statutory Acknowledgements for rivers that have a mouth and in some cases a lagoon in the Coastal Marine Area and in the wider Coastal Environment. These Statutory Acknowledgements are listed in the Schedules of the Ngai Tahu Claims Settlement Act 1998 as set out below:

Schedule 17: Hakatere (Ashburton River)
Schedule 19: Hekeao (Hinds River)
Schedule 21: Hurunui River
Schedule 26: Kowai River
Schedule 49: Orakipaoa Wetland
Schedule 55: Rangitata River
Schedule 65: Tutae Putaputa (Conway River)
Schedule 72: Waitaki River
Schedule 74: Waipara River

4.10.1 Statutory Acknowledgement for Te Tai o Marokura (Kaikoura Coastal Marine Area)

From Schedule 100, refer to Sections 205, 312, and 313 of the Ngai Tahu Claims Settlement Act 1998.

Statutory Area

The area to which this statutory acknowledgement applies is Te Tai o Marokura (the Kaikoura Coastal Marine Area), the Coastal Marine Area of the Kaikoura constituency of the former Nelson Marlborough region, as shown on SO 14497, Marlborough Land District, extended northwards (but not eastwards) to the Takiwa of Ngai Tahu Whanui, such boundary determined in the same manner as for the northern boundary of the Ngai Tahu Claim Area, as shown on Allocation Plan NT 505 (S.O. 19901).

Ngai Tahu Association with Te Tai o Marokura

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Ka Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

The Kaikoura Coastline took its name from Tama Ki Te Rangi, an early explorer in the time of Tamatea Pokaiwhenua, who decided to explore the South Island. On his way from the North Island, Tama ki Te Rangi stopped in the area now known as Kaikoura and ate some of the crayfish that populate the area over an open fire. From Tama Ki Te Rangi's feast on crayfish, the area was named, Te Ahi Kaikoura a Tama ki Te Rangi—the fires where Tama Ki Te Rangi ate crayfish.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of the Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualifies and became the headquarters for a succession of rangatira and their followers.

One of the leading sites in Kaikoura in pre-contact times was Takahaka marae, which is still occupied by Ngai Tahu. From the time the Ngai Tahu leader Maru Kaitatea took Takahaka Pa for Ngai Tahu occupation, the site acted as a staging site for Ngai Tahu migrations further south. Other pa in the area included Pariwhakatau, Mikonui, Oaro and Kahutara. Place names along the coast, such as the gardens of Tamanuhiri and the Waikoau River, record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

As well as the crayfish for which the area is famous, the whole of the Kaikoura area offered a bounty of mahinga kai including a range of kaimoana (sea food); sea fishing; eeling and harvesting of other freshwater fish in lagoons and rivers; marine mammals (providing whale meat and seal pups); waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources including harakeke (flax), fern and ti root.

A particular feature of the Ngai Tahu relationship with the Kaikoura coastal area is the special connection with the whales which frequent the area. This relationship has its basis in tradition. The well-known rangatira (chief) and brave warrior of the Kati Kuri hapu of Ngai Tahu, Te Rakaitauneke, was said to have a kaitiaki whale, named Mata mata, who dwelt in

the sea opposite Te Rakaitauneke's home in Tahuna Torea (Goose Bay). Mata mata's sole duty and purpose in life was to do Te Rakaitauneke's bidding, to serve all his needs and to guard him against harm. Everywhere Te Rakaitauneke went, Mata mata went too. When Te Rakaiteuneke went to Takahanga, Mata mata could be seen blowing outside the garden of memories, as close to shore as he could possibly get. Te Rakaitauneke's love for Mata mata was as great as the whale's love for him.

After Te Rakaitauneke's death, Mata mata was not seen along the Kaikoura coast for some time, and it was rumoured that he had gone away and died of sorrow at the loss of his master. There were those, however, who remembered Te Rakaitauneke's prediction that after his death Mata mata would only return when one of his descendants was facing imminent danger or death. There are many stories since that time of a Mata mata appearing to foretell the death of one of Te Rakaitauneke's descendants. It is also said that many of the descendants of Te Rakaitauneke, when faced with peril on the high seas, have been saved by the timely intervention of a whale.

The Kaikoura coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka (landing places) occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource and rimurapa (bull kelp), with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupa are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketupapaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wahi tapu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the coastal area.

4.10.2 Statutory Acknowledgement For Te Tai o Mahaanui (Selwyn - Banks Peninsula Coastal Marine Area)

From Schedule 101, refer to Sections 205, 312, and 313 of the Ngai Tahu Claims Settlement Act 1998.

Statutory Area

The statutory area to which this statutory acknowledgement applies is Te Tai o Mahaanui (Selwyn - Banks Peninsula Coastal Marine Area), the Coastal Marine Area of the Selwyn - Banks Peninsula constituency of the Canterbury region, as shown on SO Plan 19407, Canterbury Land District as shown on Allocation Plan NT 505 (S.O. 19901).

Ngai Tahu Association with Te Tai o Mahaanui

The formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brothers, to turn to stone. They are manifested now in the highest peaks in the Ka Tiritiri o Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are

all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Maui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka a Maui in recognition of his discovery of the new lands, with Rakiura (Stewart Island) being Te Puka a Maui (Maui's anchor stone). A number of coastal place names are attributed to Maui, particularly on the southern coast.

There are a number of traditions relating to Te Tai o Mahaanui. One of the most famous bays on the Peninsula is Akaroa, the name being a southern variation of the word 'Whangaroa'. The name refers to the size of the harbour. As with all other places in the South Island, Akaroa placenames recall the histories and traditions of the three tribes which now make up Ngai Tahu Whanui: Waitaha, Ngati Mamoe and Ngai Tahu.

Waitaha traditions tell that after Rakaihautu had dug the southern lakes with his ko (a tool similar to a spade)—Tuwhakaroria—he and his son, Rokohouia, returned to Canterbury with their people. On the return, Rakaihautu buried his ko (a tool similar to a spade) on a hill overlooking the Akaroa harbour. That hill was called Tuhiraki (Bossu). Rakaihautu remained in this region for the rest of his life.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and alliance, have merged in the whakapapa (genealogy) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

Ngai Tahu connections to Akaroa came after the settling of Kaiapoi Pa in North Canterbury. Akaroa harbour was soon allocated to a number of chiefs by Turakautahi of Kaiapoi. One chief, Te Ruahikihiki, settled at Whakamoa near the Akaroa Heads at the south east end of the harbour. Te Ruahikihiki fell in love with the elder sister of his wife, Hikaiti. As it was customary at that time for chiefs to have several wives, Te Ruahikihiki took the elder sister, Te Ao Taurewa, as his wife.

Hikaiti fell into a deep depression and resolved to kill herself. She arose early in the morning, combed her hair and wrapped her cloak tightly around herself. She went to the edge of the cliff where she wept and greeted the land and the people of her tribe. With her acknowledgements made, she cast herself over the cliff where she was killed on the rocks. The body remained inside the cloak she had wrapped around herself. This place became known as Te Tarere a Hikaiti (the place where Hikaiti leapt). Alter a long period of lamentation, Te Ruahikihiki and his people moved to the south end of Banks Peninsula to Te Waihora (Lake Ellesmere).

Another one of the senior chiefs within the Akaroa harbour was Te Ake whose hapu was Ngai Tuhaitara. Otokotoko was claimed by Te Ake when he staked his tokotoko (staff) at that end of the bay. Te Ake's daughter, Hine Ao, is now represented as a taniwha that dwells with another taniwha, Te Rangiorahina, in a rua (hole) off Opukutahi Reserve in the Akaroa Harbour. Hine Ao now carries the name Te Wahine Marukore. These taniwha act as (kaitiaki) guardians for local fisherman.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent

or semi-permanent settlements along the coast, with a intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

The whole of the coastal area offered a bounty of mahinga kai, including a range of kaimoana (sea food); sea fishing; eeling and harvest of other freshwater fish in lagoons and rivers; marine mammals providing whale meat and seal pups; waterfowl, sea bird egg gathering and forest birds; and a variety of plant resources, including harakeke (flax), fern and ti root.

The coast was also a major, highway and trade route, particularly in areas where travel by land was difficult. Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plug the waters continuously. Hence tauranga waka occur up and down the coast in their hundreds and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp) with the sea trail linked to a land trail or mahinga kai resource. The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

Numerous urupa are being exposed or eroded at various times along much of the coast. Water burial sites on the coast, known as waiwhakaheketupapaku, are also spiritually important and linked with important sites on the land. Places where kaitangata (the eating of those defeated in battle) occurred are also wahi tapu. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of the coastal area represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the coastal area.

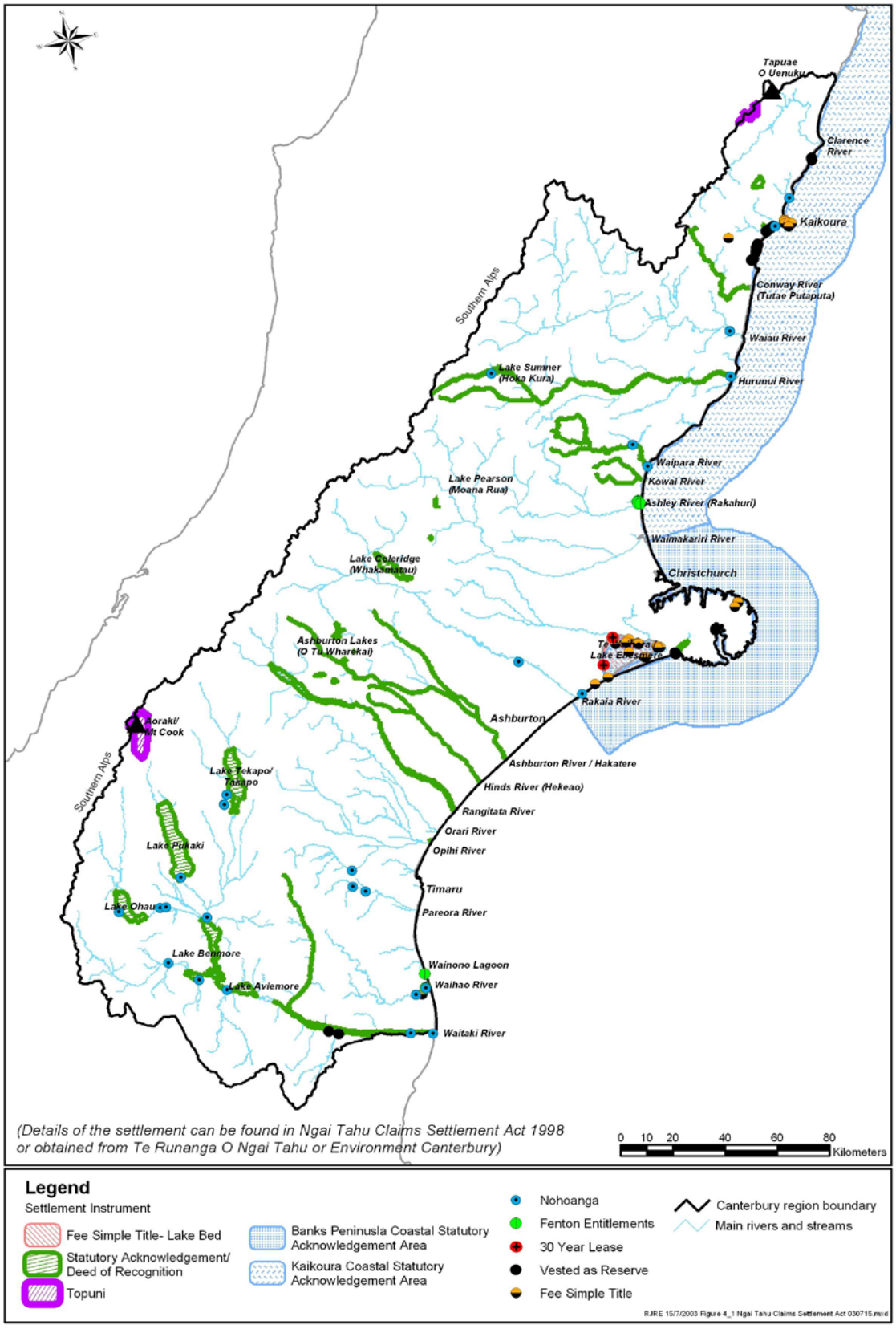


Figure 4.1 Coastal and Inland Areas Affected by the Ngai Tahu Claims Settlement Act 1998.

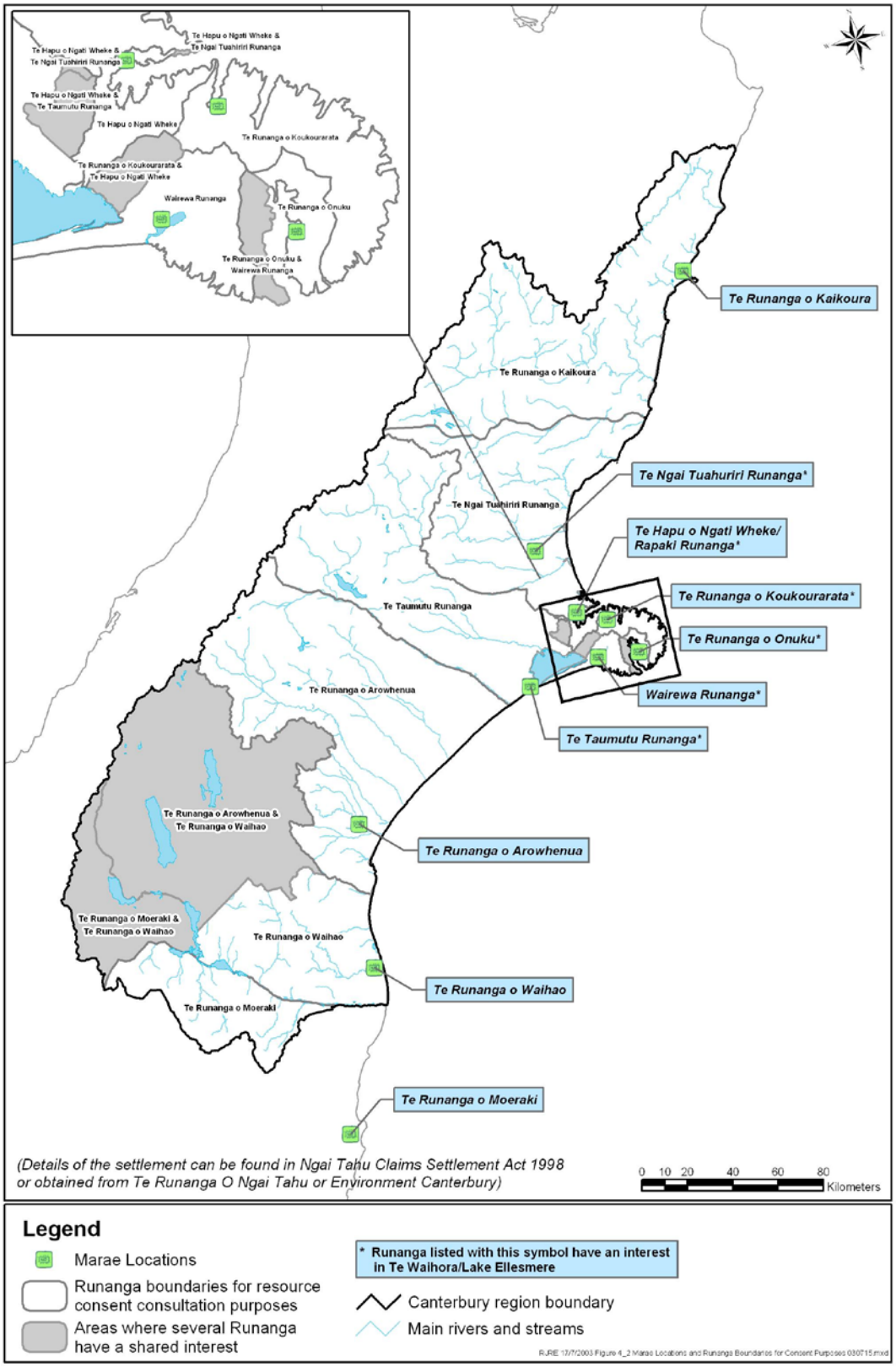


Figure 4.2 Marae locations and runanga boundaries for resource consent consultation purposes

This page is intentionally blank

Part 2 Issue Resolution

Chapter 5: Summary of Significant Resource Management Issues for the Region's Coast

This Plan contains objectives, policies, and methods for resolving the following resource management issues:

Natural Character and Appropriate Use of the Coastal Environment (Chapter 6)

Issues

(a) Adverse effects of human activity on the coastal environment, and in particular effects on:

(i) the life-supporting capacity of coastal ecosystems including significant indigenous flora and fauna and their habitats;

(ii) outstanding landscapes and natural features;

(iii) natural character;

(iv) amenity values, including recreational attributes and access;

(v) areas of significance to Tangata Whenua; and

(vi) heritage values.

(b) The need for commercial and recreational activities including transport and network utility infrastructure to be provided for and located in parts of the coastal environment where natural character has already been compromised.

(c) The need for the ports of Lyttelton and Timaru to be protected from activities that may restrict their ability to operate effectively and efficiently.

Coastal Water Quality (Chapter 7)

Issue

Point and non-point source discharges of contaminants directly or indirectly into the waters of the Coastal Marine Area can adversely affect water quality and thereby:

(a) their ecological value;

(b) the cultural relationship Tangata Whenua have with water; and

(c) their present and future use by, and value to, the Canterbury community.

Activities and Structures in the Coastal Marine Area (Chapter 8)

Issues

(a) The adverse effects of activities that disturb the foreshore and sea bed or deposit or dump material on the foreshore and sea bed. These include adverse effects on ecosystems, flora and fauna, water quality and Tangata Whenua values.

(b) The adverse effects on the coastal environment and on other activities from the occupation and use of the Coastal Marine Area. These include noise effects, conflicts between active and passive uses of areas and effects on people's well-being, health, safety and amenity.

(c) The taking, using, damming and diverting of coastal water and the taking and using of heat and energy from coastal water.

(d) The need to provide for the appropriate use of the Coastal Marine Area, including the efficient and effective operation and development of the Ports of Lyttelton and Timaru, and the efficient and effective operation and development of network utilities.

Coastal Hazards (Chapter 9)

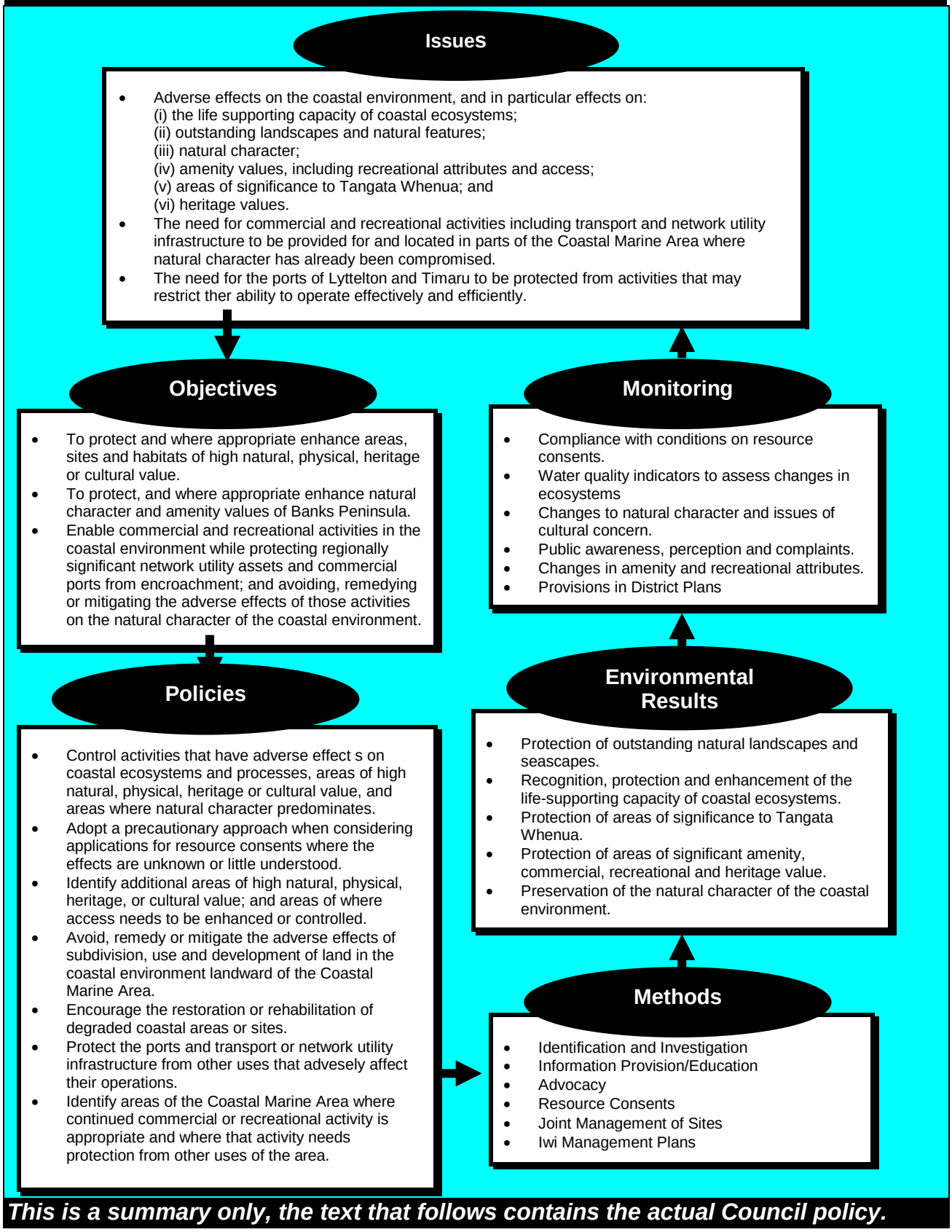
Issues

(a) The coastal environment is a dynamic environment. Use and development of the coastal environment is inherently subject to the adverse effects of natural occurrences, such as coastal erosion and sea water inundation. These effects may be exacerbated by climate change and possible sea level rise.

(b) Structures and protection works can have an adverse effect on coastal processes and the coastal environment. These effects may include creating hazards elsewhere by interrupting processes such as sediment transport, damaging habitat, mahinga kai and taonga, and reducing amenity values.

This page is intentionally blank

Figure 6.1 Natural Character and Appropriate Use of the Coastal Environment



This is a summary only, the text that follows contains the actual Council policy.

Chapter 6: Natural Character and Appropriate Use of the Coastal Environment

6.1 Introduction

This chapter sets out a range of objectives, policies and methods that recognise and provide for the preservation of the natural character of the coastal environment as a matter of national importance. Subsequent chapters indicate the form and type of activities and structures that are appropriate in the Coastal Marine Area and, in the case of coastal hazards, what is appropriate in areas subject to erosion and inundation.

The Department of Conservation has provided a resource document[8] that specifically identifies areas of significant conservation value within the Coastal Marine Area. The values of these areas lie both within and landward of the Coastal Marine Area. Environment Canterbury has listed these areas in Schedule 1 as Areas of Significant Natural Value and, in addition to these areas, has broadly identified areas of high natural, physical, heritage and cultural value in Schedules 2 and 3. The Objectives and Policies of the Plan seek protection of the values of such areas and provide for additional areas to be added if necessary. These include areas landward of the Coastal Marine Area such as:

(a) the chain of coastal lagoons found behind the dune system in North and South Canterbury such as Coopers Lagoon /Muriwai and Wainono Lagoon. They provide an important habitat for a diverse range of birds, invertebrates and indigenous vegetation as well as forming part of the natural character of the coastal environment;

(b) the landward side of Areas of Significant Natural Value where there are bird nesting sites or seal haul out sites or important landscapes;

(c) sites of significance to Tangata Whenua identified by Runanga within their individual rohe; and

(d) sites which have values that contribute to the natural character of the coastal environment and where that character is to be preserved;

and areas within the Coastal Marine Area such as:

(e) sites of significance to Tangata Whenua identified by Runanga within their individual rohe;

(f) sites where the natural character of the coastal environment is to be preserved; and

(g) sites with amenity and heritage value, including those with recreational attributes.

Access to and along the Coastal Marine Area

The Regional Policy Statement identifies the issue of public access to and along the coastal marine area and in particular conflicts arising from:

- restrictions on public access,
- infringement of private property rights,
- adverse effects caused by public access, and
- lack of appropriate levels of services.

The Objective of the Regional Policy Statement is to achieve improved access provided a number of environmental, safety and other concerns are met. The methods of this Chapter

[8] *Department of Conservation., 1994. Areas of Significant Conservation Value.*

of this Plan help to implement the Policy of the Regional Policy Statement to identify areas within the coastal environment where:

- access should be controlled or not be improved to protect public safety or the natural, cultural, amenity or heritage values of the area;
- access should be enhanced to increase recreation opportunities and for Tangata Whenua to exercise kaitiakitanga;
- access should be controlled to prevent those areas becoming more susceptible to coastal erosion; and
- access should be resolved with the landowner or occupier to avoid conflict with their activities.

6.2 Issue Resolution

Issues

(a) Adverse effects of human activity on the coastal environment, and in particular effects on:

(i) the life-supporting capacity of coastal ecosystems including significant indigenous flora and fauna and their habitats;

(ii) outstanding landscapes and natural features;

(iii) natural character;

(iv) amenity values, including recreational attributes and access;

(v) areas of significance to Tangata Whenua; and

(vi) heritage values.

(b) The need for commercial and recreational activities including transport and network utility infrastructure to be provided for and located in parts of the coastal environment where natural character has already been compromised.

(c) The need for the ports of Lyttelton and Timaru to be protected from activities that may restrict their ability to operate effectively and efficiently.

Objective 6.1

To protect, and where appropriate enhance, the following areas, sites and habitats of high natural, physical, heritage or cultural value:

a) Areas of Significant Natural Value[9] (identified in Schedule 1, and shown on the Planning Maps in Volume 2);

b) Those Areas listed in Schedules 2 and 3;

c) Areas within the intertidal or subtidal zone that contain unique, threatened, rare, distinctive or representative marine life or habitats (including coastal wetlands) or are significant habitats of marine species

[9] These areas have been identified by the Canterbury and Nelson Conservancies of the Department of Conservation as Areas of Significant Conservation Value - see Schedule 1.

generally;

d) **Areas used by marine mammals as breeding, feeding or haul out sites and breeding, roosting or feeding areas of indigenous bird species;**

e) **Areas, including adequate buffer zones, that contain locally, regionally, nationally or internationally significant: ecosystems, vegetation, individual species, or habitat types, (for example coastal lakes, wetlands, lagoons, estuaries);**

f) **Historic, archaeological, and geo-preservation sites in the coastal marine area;**

g) **Coastal landforms and landscapes, submerged platforms and seascapes that are regionally, nationally or internationally representative or unique, including the Kaikoura coast, Banks Peninsula, Kaitorete Spit, and the Timaru reefs;**

h) **Areas identified in consultation with Tangata Whenua including wahi tapu, urupa, tauranga waka and mahinga kai;**

i) **Areas of significant amenity value, including recreational attributes;**

j) **Areas having high natural character in the coastal environment;**

k) **Areas having significant heritage values; and**

l) **Habitats of species which are important for commercial, recreational, traditional, or cultural purposes.**

Principal Reason

To achieve sustainable management of the coastal environment by protecting and enhancing Areas of Significant Natural Value and areas of high natural, physical, heritage or cultural value.

Objective 6.2

To protect, and where appropriate enhance, natural character and amenity values of the Banks Peninsula coastal environment including:

a) **Volcanic and coastal landforms and features;**

b) **Estuarine and coastal vegetation and habitat;**

c) **Coastal processes and ecosystems;**

d) **Areas of high water quality;**

e) **Areas of high visual amenity value, and/or otherwise unmodified by structures or other activities, in particular the outer bays and open coast.**

Principal Reason

Banks Peninsula is an outstanding natural feature and landscape, and the coast is an important contributor to these values. The coastal landforms of the peninsula are relatively unique in the New Zealand mainland. The Coastal Marine Area around the outer coast and bays is largely unmodified and has high natural character. Further, the peninsula contains the only substantial area of sheltered waters on the east coast of the South Island between Port Underwood and Otago Harbour. Therefore, it requires protection both for its highly valued natural character, and also for its amenity and recreational usage. However, it is also accepted that within Banks Peninsula there are some highly modified areas such as the Port of Lyttelton.

Policy 6.1

(a) Within the Coastal Marine Area Environment Canterbury will:

(i) control activities and development to remedy or mitigate adverse effects on:

- **coastal ecosystems and processes,**
- **the identified values of Areas of Significant Natural Value,**
- **the identified values of areas of high natural, physical, heritage or cultural value, and**
- **natural character in areas of the coastal environment where natural character predominates; and**

(ii) control activities and development to avoid any significant adverse effects on:

- **coastal ecosystems and processes,**
- **the identified values of Areas of Significant Natural Value,**
- **the identified values of areas of high natural, physical, heritage or cultural value, and**
- **natural character in areas of the coastal environment where natural character predominates;**

unless there are special or extraordinary and unique reasons why those adverse effects cannot be avoided; and

(iii) adopt a precautionary approach[10] when considering applications for resource consents where the effects, including cumulative effects, are as yet unknown or little understood, or where the functioning of marine ecosystems and coastal processes is poorly understood.

(b) Environment Canterbury will undertake a process of investigation and public consultation to:

(i) identify additional areas of high natural, physical, heritage, or cultural value, including wahi tapu, urupa, tauranga waka and mahinga kai; and

(ii) identify areas where access to and along the Coastal Marine Area needs to be enhanced or controlled.

Explanation

Areas of Significant Natural Value are identified only within the Coastal Marine Area. The values of these areas often extend landward of this administrative boundary, for example, seal colonies, and coastal landforms and landscapes. Such areas, along with other areas in the coastal environment, have been identified as having high natural, physical, heritage, or cultural value, but their protection will be the responsibility of territorial authorities.

In relation to the matters in Policy 6.1 (a) (ii), the consent authority for an activity or development in the Coastal Marine Area should be satisfied that there is a need for the activity or development to be in that part of the Coastal Marine Area and that alternative sites in other areas of the Coastal Marine Area or onshore are unsuitable or impractical. It is accepted that on occasions there may be special or extraordinary and unique reasons why

3 Precautionary approach assumes that the effects of an activity are as yet unknown or little understood. This needs to be acknowledged in the decision making process.

an activity cannot avoid significant adverse effects on the environment including those matters identified in the Objectives or Policy 6.1 (a) (ii). It may involve, for example, the development of regionally significant strategic infrastructure or the establishment of other activities that have strategic importance to the region.

Because there is a relative lack of understanding about coastal processes and the effects of activities on these processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.

Access may enhance the ability of people to enjoy the resources of the Coastal Marine Area, but it can also put those resources at risk.

Runanga will identify sites of significance to Tangata Whenua within their individual rohe.

Principal Reason

To protect Areas of Significant Natural Value from the adverse effects of subdivision, use and development and to ensure that such activity does not adversely affect areas of high natural, physical, heritage, or cultural value, including the natural character of the coastal environment or the life supporting capacity of coastal ecosystems.

Methods

The Methods used or to be used by Environment Canterbury are:

Identification and investigation;

Information provision/education;

Advocacy;

Resource consents;

Joint management of sites; and

Encourage the preparation of Iwi Management Plans.

Policy 6.2

Environment Canterbury and Territorial Local Authorities will seek to ensure that the adverse effects of subdivision, use and development of land in the coastal environment landward of the Coastal Marine Area, on the identified values of Areas of Significant Natural Value and on the identified values of areas of high natural, physical, heritage, or cultural value, are avoided, remedied or mitigated.

Explanation

Areas landward of the Coastal Marine Area, such as coastal lagoons, also have important values for wildlife and recreation and form part of the natural character of the coastal environment. These areas need to be identified for protection.

Principal Reason

To protect Areas of Significant Natural Value from the adverse effects of subdivision, use and development and to ensure that such activity does not adversely affect areas of high natural, physical, heritage or cultural value, including the natural character of the coastal environment or the life supporting capacity of coastal ecosystems.

Methods

The Methods used or to be used by Environment Canterbury are:

Identification and Investigation;

Information Provision/Education;

Advocacy;

Resource Consents;

Joint management of sites; and

Encourage the preparation of Iwi Management Plans.

Policy 6.3

Environment Canterbury will encourage the restoration or rehabilitation of areas or sites within the coastal environment where this would: assist in maintaining or enhancing the integrity or functioning of sites of high natural, physical or cultural value and Areas of Significant Natural Value; contribute to the preservation of natural character; maintain the ecological functioning of the coast; or enhance intrinsic, cultural, heritage or amenity values.

Explanation

Appropriate restoration and rehabilitation of degraded sites in the coastal environment will be encouraged through non-regulatory methods and advocacy to district councils and other agencies involved in the management of the coastal environment.

Principal Reason

To promote restoration and rehabilitation of the natural character of the coastal environment, in accordance with NZCPS Policy 1.1.5.

Methods

The Methods used or to be used by Environment Canterbury are:

Identification and Investigation;

Information Provision/Education;

Advocacy;

Joint management of sites; and

Encourage the preparation of Iwi Management Plans.

Objective 6.3

Enable people to undertake commercial and recreational activities in the coastal environment while:

(a) Protecting regionally significant network utility assets and commercial ports from encroachment from activities that would adversely affect their efficiency and effectiveness; and

(b) avoiding, remedying or mitigating the adverse effects of those activities on the natural character of the coastal environment.

Principal Reason

To achieve sustainable management of the coastal environment by enabling people to undertake commercial and recreational activities, but at the same time ensuring that adverse effects are avoided, remedied or mitigated and that network utilities and ports are able to properly function.

Policy 6.4

(a) Within the Coastal Marine Area, Environment Canterbury will protect network utility infrastructure and commercial ports, that are appropriately used for commercial activity, from other uses that preclude the proper uses of those areas, and in particular:

(i) control activities that have or are likely to have an adverse effect on the appropriate operation and development of the ports of Lyttelton or Timaru;

(ii) provide for the efficient operation and development of transport or network utility infrastructure where this is required to be adjacent to or within the coastal marine area.

(b) Environment Canterbury will undertake a process of investigation and public consultation to identify areas of the Coastal Marine Area where continued commercial or recreational activity is appropriate and where that activity needs protection from other uses of the area.

Explanation

Principal areas for commercial and recreational activities such as those involving port operation, marine farming, swing and pile moorings, boat launching and storage facilities are to be identified. The activities associated with such areas are to be protected from the adverse effects of other activities that could preclude the appropriate use of the areas or make their use inefficient. Provision is to be made for appropriate transport and network utility infrastructure.

Principal Reason

The Act provides for physical resources as well as natural resources. There is a potential for conflict between activities and there is competition for scarce coastal space. Protection of particular areas for commercial or recreational purposes places less pressure on other areas that have higher natural, heritage or cultural values. Protection of physical resources requires the identification of appropriate areas for commercial and recreational activities.

Methods

The Methods used or to be used by Environment Canterbury are:

Identification and investigation;

Information provision/education;

Advocacy; and

Resource consents.

6.3 Methods

Method 6.1 Identification and Investigation

Environment Canterbury and the Minister of Conservation have initially identified Areas of Significant Natural Value listed in Schedule 1. In addition, areas of high natural, physical, heritage or cultural value are listed in Schedules 2 and 3. These areas do not include all the areas that may have high natural values or may be valued by the people of the Canterbury Region.

Within areas of high natural, physical, heritage, or cultural value there are no special rules in this plan that control activities differently from other areas. However, there are policies in this chapter of the plan that require consent authorities to protect the values inherent in such areas.

Additional areas, and the values of existing areas, will require identification and investigation in consultation with territorial authorities, Ministry of Fisheries, Tangata Whenua, landholders, commercial fishing interests, recreational interests, other interest groups and the public. In particular, Environment Canterbury will investigate the need for additional

protection for the high values of Banks Peninsula. Where these areas are landward of the Coastal Marine Area their protection is largely the responsibility of the Territorial Authorities.

The Resource Management (Marine Pollution) Regulations 1998 provide that no persons may discharge untreated sewage from a ship or offshore installation more than 500 metres off shore or in depths of less than five metres. There is provision for a regional coastal plan to increase the distances off shore or the depth. This will mean investigating the areas requiring protection from the adverse effects of sewage discharges.

Environment Canterbury will consult with Ngai Tahu about the establishment of a "silent file" system for the identification of areas of value to them that they may not want made public knowledge. This will involve consultation with individual Runanga concerning their rohe.

The process of identification and investigation will be used where necessary to establish:

- additional Boatshed Areas or Swing Mooring Areas;
- areas where different noise standards are appropriate;
- areas where access to and along the Coastal Marine Area needs to be enhanced or controlled;
- areas that require different standards or rules for activities controlled in Chapter 8 of this Plan including areas where policy needs to be developed; and
- additional areas where water quality standards will be applied, including areas where a natural state standard is appropriate.

Principal Reason

To identify areas having values in addition to Areas of Significant Natural Value, in order to achieve integrated management across the administrative boundary of the Coastal Marine Area by seeking to protect areas that have been identified as having high natural, physical, heritage or cultural value.

Method 6.2 Information Provision/Education

Environment Canterbury will undertake an information programme in consultation with territorial local authorities, the Department of Conservation, Ministry of Fisheries, Tangata Whenua, landholders, commercial fishing interests, recreational interests and other interest groups to increase community awareness and knowledge of the coastal environment.

This will include information about areas of high natural, physical, heritage or cultural value and Areas of Significant Natural Value as well as appropriate activities for these areas. The extent of this programme will be indicated at the start of each financial year in Environment Canterbury's Annual Plan and will commence in the year subsequent to the approval of this Plan.

Principal Reason

To help achieve sustainable management by increasing public awareness and knowledge of coastal ecosystems, processes and values. This in turn will help increase community desire and efforts to protect the coastal environment.

Method 6.3 Advocacy

(a) For areas of high natural, physical, heritage or cultural value additional to Areas of Significant Natural Value, Environment Canterbury will advocate protection and management, through consultation on District Plans and submissions on resource consent applications considered by Territorial Local Authorities, of the following;

(i) estuaries, lagoon or wetlands through the provision of buffer areas and a perimeter of a width appropriate to control any possible margin changes which may be detrimental to the ecosystem, including changes to water quality and quantity;

(ii) roosting, breeding and shelter areas for birds, fish and invertebrates;

(iii) coastal water quality arising from land use changes in adjacent catchments; and

(iv) the natural character of identified areas of high natural, physical, heritage or cultural value and areas of the coastal environment where natural character is predominant.

(b) Environment Canterbury will provide appropriate support to community projects that enhance areas identified as being of high natural, physical, heritage or cultural value and Areas of Significant Natural Value. A programme identifying appropriate projects will be established following approval of this Plan and will be set out at the start of each financial year in Environment Canterbury's Annual Plan. It will be subject to any resource consents necessary for or associated with such projects being obtained.

(c) Environment Canterbury will advocate protection and management, through consultation on District Plans and submissions on resource consent applications considered by Territorial Local Authorities, of the following:

(i) the appropriate provisions for the safe and efficient operation of the Ports of Lyttelton and Timaru, and network utilities;

(ii) the appropriate provisions for the use of the coastal environment by recreational interests; and

(iii) the appropriate provision for access to and along the coast.

Principal Reason

To give clear direction to territorial authorities and landholders about the protection and management of areas additional to Areas of Significant Natural Value and to encourage interest groups to take an active role in the protection of the coastal environment.

Method 6.4 Resource Consents

In considering any resource consent in the Coastal Marine Area which is within, or adjacent to, an identified Area of Significant Natural Value, Environment Canterbury will consider the likely effects of granting consent on the identified values of that area and will seek to avoid, remedy or mitigate any adverse effects either through not granting consent or through appropriate conditions on the consent.

Principal Reason

To minimise the adverse effects of activities through declining or placing conditions on resource consents.

Method 6.5 Joint Management of Sites

Joint management of sites and wahi taonga provides opportunity for local authorities and Tangata Whenua to work together to promote sustainable management. Joint management could include working together to give effect to functions under the Act; for example, working jointly with Environment Canterbury to establish, implement and review objectives, policies, and methods to achieve integrated management of a particular resource (see Section 30 (1) (a) of the Act). It could also include non-statutory management plans, joint working parties and other mechanisms as appropriate.

Joint management of sites provides an alternative to transfer of powers that provides for the rangatiratanga and kaitiakitanga of Tangata Whenua and takes into account the principle of partnership.

Principal Reason

To give effect to Sections 6 (e) and 8 of the Act.

Method 6.6 Encourage the preparation of Iwi Management Plans

Iwi management plans are non-statutory documents that have been prepared by Tangata Whenua. Environment Canterbury, in preparing regional plans, must have regard to iwi management plans. By agreement with Environment Canterbury all or part of an iwi management plan, for example, dealing with wahi tapu or wahi taonga, may be incorporated into a regional plan, or a review of a regional plan. The development of the regional plan would be subject to the public consultation processes set out in the Act. Environment Canterbury, by agreement with Ngai Tahu, recognises that there is opportunity for this to occur.

Iwi management plans can provide mechanisms for implementing aspects of policy, for example: wahi tapu and protection of tauranga waka and mahinga kai; how any powers transferred will be discharged; and the joint management of sites and/or resources. They can also be a source of information that aids, but does not replace, consultation with Tangata Whenua during regional plan preparation or review or consideration of consents.

Environment Canterbury will encourage Runanga to prepare iwi management plans and if requested, will provide advice to aid their formulation.

Principal Reason

Reference to iwi management plans assists in the understanding of Tangata Whenua perspectives, and can provide an appropriate method to achieve certain environmental policies.

6.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results.

(a) Protection of outstanding natural landscapes/seascapes

(b) Recognition, protection and enhancement of the life-supporting capacity of coastal ecosystems.

(c) Protection of areas of significance to Tangata Whenua.

(d) Protection of areas of significant amenity, recreational and heritage value.

(e) Commercial activities located in appropriate areas of the coastal environment and significant port and network utility infrastructure protected.

(f) Preservation of the natural character of the coastal environment.

6.5 Monitoring

The following will be monitored to assess the suitability and effectiveness of this part of the Plan, and any need for it to be reviewed.

(a) Compliance with conditions on resource consents.

(b) Water quality indicators to assess changes in ecosystems.

(c) Changes to natural character and issues of cultural concern.

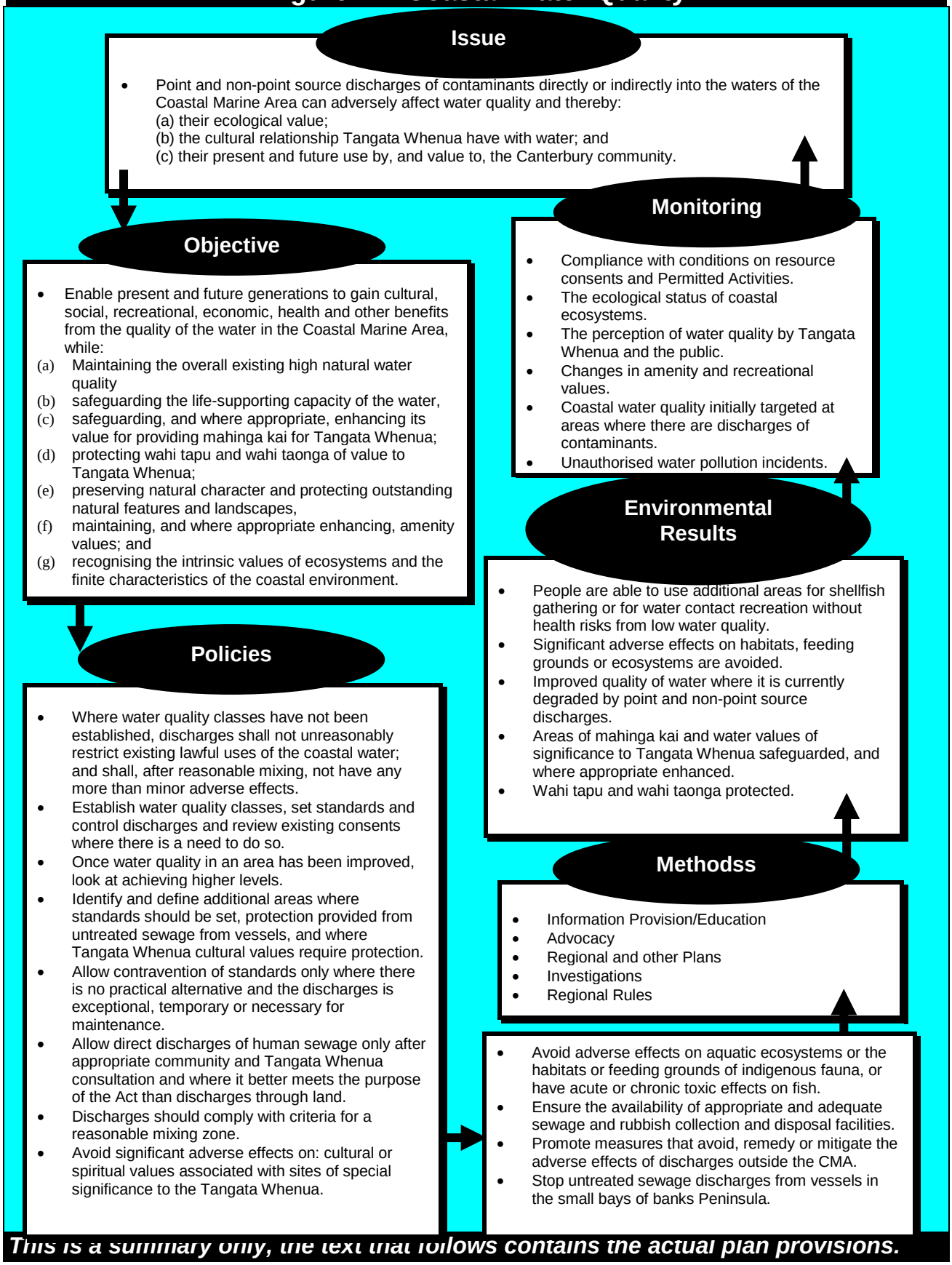
(d) Public awareness, perception and complaints.

(e) Changes in amenity and recreational attributes.

(f) Provisions in District Plans.

Chapter 11, Monitoring and Review, contains a detailed monitoring programme.

Figure 7.1 Coastal Water Quality



Chapter 7: Coastal Water Quality

7.1 Introduction

Although the majority of the Coastal Marine Area is of a high water quality, some areas, as a result of various human activities, have specific water quality problems that need to be resolved. These areas are made subject to the water quality standards set out in this Chapter of the plan. Outside these areas, coastal waters are of a high water quality that should be maintained.

The coastal waters of the Canterbury Region are valued for recreation, food gathering , cultural purposes, production from marine farming and wildlife. Currently coastal waters are the receiving environment for:

(a) sediment from both natural and accelerated erosion, particularly around Banks Peninsula and the mouths of rivers. (This occurs along the whole coast but is particularly an issue for loess covered hill areas of North Canterbury and Banks Peninsula);

(b) dredging spoil from harbour maintenance and associated activities in and approaching Lyttelton Harbour/Whakaraupo and Timaru Harbour;

(c) contaminants from loading and discharge of cargoes and from other industrial activities in the ports of Lyttelton and Timaru;

(d) ballast water discharge from vessels which may contain exotic organisms and contaminants;

(e) oil, sewage, and rubbish from commercial vessels and pleasure craft;

(f) debris from vessel maintenance, for example sandblasting and other industrial processes;

(g) effluent from fish processing from vessels within the Coastal Marine Area and from shore based facilities near the port areas of Lyttelton, Timaru and Kaikoura;

(h) stormwater from residential, commercial and industrial areas as well as from roads and other hard surfaces either directly or indirectly;

(i) treated and untreated sewage, discharged directly into coastal waters or indirectly by seepage through coastal gravels/sand or by discharge into surface waters that drain to coastal waters, particularly the Ashley/Rakahuri, Waimakariri, Ashburton/Hakatere and Opihi Rivers and the Estuary of the Heathcote and Avon Rivers/Ihutai;

(j) groundwater seepage through cliffs and the foreshore which may contain septic tank discharges, agricultural and industrial chemicals and seepage from contaminated sites, landfills and other sources of contamination;

(k) rivers and creeks receiving run-off from agricultural, horticulture and forestry areas; and

(l) the scattering of human ashes in coastal waters.

Not all coastal waters receive an equal load of these wastes or are equally affected. Contaminant discharges have the potential for much greater damage in a partly enclosed area where, unlike the open coast, there are few currents and changes of water. Consents to discharge into the lower reaches of some rivers currently exercised by industry and community sewerage schemes adversely affects some areas of coastal water and have the potential to adversely affect other areas. Consents have been granted for discharges affecting the mouths of the Ashley/Rakahuri, Waimakariri, Ashburton/Hakatere and Opihi Rivers and the Estuary of the Heathcote and Avon Rivers/Ihutai.

For many people the discharge of any waste, especially sewage, is offensive. Many wastes have the potential to cause short and long term public health problems. The nature of the contaminant discharged and the ability of the receiving environmental (including ecosystem

present) to assimilate that contaminant, is an important factor with respect to the environmental effects of a discharge. Water quality problems particularly occur in the enclosed waters of the Estuary of the Heathcote and Avon Rivers/Ihutai and the bays and harbours of Banks Peninsula. These areas also have discharges from stormwater runoff and recreational and commercial activities.

It is important to recognise that the effect of these contaminant discharges on ecological values; the effect on present and future use and value of the waters of the Coastal Marine Area to the Canterbury community; and the effect on the cultural relationship Tangata Whenua have with water; varies considerably along the Canterbury coast.

Provisions for Dumping of Waste and for Discharges of Contaminants from Ships or Offshore Installations

Section 15A of the Act provides that dumping of waste or other matter from ships or offshore installations can only be authorised by a resource consent. Through the Resource Management (Marine Pollution) Regulations 1998 the Government has deemed there to be rules in this plan controlling such dumping. Environment Canterbury is not allowed to have its own rules allowing such dumping as a Permitted Activity. A copy of the Regulations is annexed to this plan as required by Section 68(8) of the Act.

Section 15B of the Act provides that discharges of contaminants or water from ships or offshore installations are not allowed unless specifically permitted or controlled by Regulations made under the Act, a rule in a regional coastal plan or by a resource consent. No rules can be included in a regional coastal plan where there are Regulations prohibiting, permitting or controlling any discharge unless the regulations specifically provided otherwise.

The Resource Management (Marine Pollution) Regulations 1998 effectively prevents Environment Canterbury from having rules regulating discharges from ships and offshore installations in the Coastal Marine Area of Canterbury. A “ship” is defined under the Act to mean every description of boat or craft used in navigation, whether or not it has any means of propulsion. The term “vessel” is used in this plan because it is more readily understood and interpreted to mean both larger ships and small craft.

The Resource Management (Marine Pollution) Regulations 1998 provide that discharges of untreated sewage from a ship or offshore installation is only permitted if it is more than 500 metres from a marine farm, a marine reserve and the shore, and is in water depths of more than 5 metres. Marine reserves and marine farms that are operating in the Coastal Marine Area in the Canterbury Region are shown in the Planning Maps in Volume 2.

Different grades of sewage treatment are specified. "Grade A" treated sewage must only be discharged further than 100 metres from a marine farm. "Grade B" treated sewage must only be discharged if it is more than 500 metres from a marine farm or a mataitai reserve.

The Regulations also provide for:

- the discharges of garbage from a ship that has been comminuted or ground to a particle size of 25 millimetres or less and occurs at least 3 nautical miles offshore and further than 500 metres from any offshore installation;
- the discharge of clean or segregated ballast water except where it contravenes the Biosecurity Act 1993 or regulations or import health standards made under this Act;
- the discharge of concentrations of oil of less than 15 parts per million whilst a vessel is en route; and
- discharges made as part of the normal operations of a ship or offshore installation.

There is provision in the Regulations for a regional coastal plan to increase the depths or distances offshore, for any parts of the region and for all or part of the year, within which discharges of untreated sewage from a ship or offshore installation is not allowed. Similarly,

a regional plan may increase the distances specified in the Regulations for treated sewage.

This plan effectively prohibits discharges of untreated sewage within most of the smaller harbours and bays of Banks Peninsula. Much of Lyttelton and Akaroa Harbours are already protected from such discharges by virtue of being either within 500 metres of the shore or having a water depth of 5 metres or less. Other areas may be added. However, this will require further investigations and public consultation and is provided for under Policy 7.3 and in Chapter 6.

7.2 Issue Resolution

Issue

Point and non-point source discharges of contaminants directly or indirectly into the waters of the Coastal Marine Area can adversely affect water quality and thereby:

- **(a) their ecological value;**
- **(b) the cultural relationship Tangata Whenua have with water; and**
- **(c) their present and future use by, and value to, the Canterbury community.**

Note: The main contaminant discharges from point and non-point sources are discussed in the introduction to this chapter.

Objective 7.1

Enable present and future generations to gain cultural, social, recreational, economic, health and other benefits from the quality of the water in the Coastal Marine Area, while:

- **(a) maintaining the overall existing high natural water quality of coastal waters;.**
- **(b) safeguarding the life-supporting capacity of the water, including its associated: aquatic ecosystems, significant habitats of indigenous fauna and areas of significant indigenous vegetation;**
- **(c) safeguarding, and where appropriate, enhancing its value for providing mahinga kai for Tangata Whenua;**
- **(d) protecting wahi tapu and wahi taonga of value to Tangata Whenua;**
- **(e) preserving natural character and protecting outstanding natural features and landscapes, where water quality is an aspect of their value, from reductions in water quality;**
- **(f) maintaining, and where appropriate enhancing, amenity values; and**
- **(g) recognising the intrinsic values of ecosystems and any finite characteristics of the coastal environment.**

Principal Reason

Sustainable management of water resources enables people and communities to provide for their well-being subject to certain constraints. These constraints include safeguarding the life-supporting capacity of water for indigenous flora and fauna; and avoiding, remedying or mitigating adverse effects on its use for recreation, fishing, aquaculture, amenity and cultural purposes and for mahinga kai.

Policy 7.1

In areas where water quality classes for parts of the Coastal Marine Area have not been established in this plan, the granting of a resource consent to discharge a contaminant or water into water, or onto or into land in the Coastal Marine Area:

(a) shall not unreasonably restrict existing lawful uses of the coastal water; and

(b) shall provide that, after reasonable mixing, the discharge shall not have any more than a minor adverse effect on the quality of the water existing prior to the granting of the resource consent.

Explanation

Part (a) of this policy is in accordance with Policy 15 of Chapter 9 of the Regional Policy Statement. Part (b) of this policy is concerned with maintaining the quality of coastal water that is presently largely non-degraded, but recognises that a reasonable mixing zone will be applied that, amongst other matters, recognises the assimilative capacity of open coastal water, the present use of the particular area and the effect on the naturalness of the area. This means that most coastal water quality should be maintained in its natural state.

An existing lawful use would include the exercise of a coastal permit to discharge, or to take, use or divert water, and would include existing recreational uses of the water including bathing and the gathering of shellfish for human consumption.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Principal Reason

To enable existing lawful uses of coastal water to continue without unreasonable restrictions, and to retain coastal water, that is presently unmodified by contaminants, as far as possible in its pre-existing natural state.

Methods

The Method used or to be used by Environment Canterbury is:

regional rules.

Policy 7.2

Establish water quality classes, set water quality standards and control the discharge of contaminants and water within the parts of the Coastal Marine Area defined in Schedule 5 that contain areas of degraded water quality or which need classifications to reflect existing or potential uses of the areas:

(a) The water quality in the following areas will be classified as water managed for the maintenance of aquatic ecosystems, and the water quality maintained and where necessary improved for this purpose:

(i) The Avon River /Otakaro Mouth;

(ii) The Heathcote River Mouth

(iii) The Operational Area of the Port of Lyttelton;

(iv) The Coastal Marine Area immediately north of Timaru;

(v) The Operational Area of the Port of Timaru; and

(vi) The Coastal Marine Area off Pareora Beach.

(b) The water quality in the following areas will be classified as water managed for contact recreation and for the maintenance of aquatic ecosystems, and the water quality maintained and where necessary improved for these purposes:

(i) The Coastal Marine Area along the northern part of the Kaikoura Peninsula;

(ii) The Ashley River /Rakahuri mouth, Saltwater Creek Lagoon and adjacent coastal waters;

(iii) The Waimakariri River mouth, Brooklands Lagoon and adjacent coastal waters;

(iv) The parts of the Estuary of the Heathcote and Avon Rivers /Ihutai not included in (a) (i) and (a) (ii) above;

(v) The western part of Lyttelton Harbour /Whakaraupo;

(vi) Childrens Bay, Takamatua Bay, Robinsons Bay, Duvauchelle Bay, Barrys Bay and French Farm Bay in Akaroa Harbour;

(vii) The Ashburton River /Hakatere mouth and adjacent coastal waters;

(viii) The Opihi River mouth and adjacent coastal waters;

(ix) The Coastal Marine Area off Washdyke and Caroline Bay;

(x) The Coastal Marine Area off Patiti Point; and

(xi) The Coastal Marine Area off Normanby Beach.

(c) The water quality in the following areas will be classified as water managed for shellfish gathering, for contact recreation and for the maintenance of aquatic ecosystems, and the water quality maintained and where necessary improved for these purposes:

(i) Rapaki;

(ii) The outer or eastern part of Lyttelton Harbour /Whakaraupo;

(iii) Port Levy/Koukourarata;

(iv) Pigeon Bay;

(v) Little Akaloa Bay;

(vi) Okains Bay;

(vii) Le Bons Bay;

(viii) Akaroa Harbour excluding the Bays in (b) (vi) above;

(ix) The Coastal Marine Area immediately south of Timaru.

(d) Once the degraded water quality in an area has been improved to consistently meet the standards set in the relevant water quality class, Environment Canterbury will review the classifications and where appropriate prepare changes to this plan that will aim at achieving higher levels of water quality for that area. In preparing any such changes to this Plan, Environment Canterbury will ensure any proposed higher standards are reasonable and achievable within a specified timeframe and take into account the existing uses of the areas.

Explanation

The areas specified in the policy have been identified as needing to be classified because they either have, or have the potential for having, degraded water quality and are either used now or have potential to be used for shellfish gathering, contact recreation, and the maintenance of aquatic ecosystems. The appropriate water quality in these areas needs to be established through the setting of a water quality standard, so that they become suitable for the purpose identified in the standard.

Some parts of these areas are already suitable for the purposes specified and this water quality should be maintained. Once the water quality standards for these areas are met as a whole, and this will depend on land use changes as well as controls on direct discharges, the target standards for most of these areas will be reviewed. This will lead to higher water quality standards being required through a proposed change to this plan that will be open to public submissions. However, in the foreseeable future, it would not be practicable to adopt contact recreation and/or shellfish gathering standards for the port areas.

The water quality classes are set out in Schedule 4, and the areas are defined in Schedule 5 and are also shown on the Planning Maps in Volume 2.

These water quality classes apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting a consent including effects on the environment or on other potential users of the water.

Principal Reason

The setting of water quality standards provides a clear unambiguous statement of the environmental quality to be achieved to provide for water uses and values. The standards will ensure the community's desires for maintenance and enhancement of water quality in the Coastal Marine Area are met, while at the same time recognising that there may be some processes, arising largely from the use of adjacent land, causing a reduction in water quality that may not be readily controllable.

The water quality classes in the Third Schedule of the Act are not adequate for the purposes of this plan because they are not sufficiently detailed and they do not provide for a water quality class to have more than one purpose.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

investigations; and

regional rules.

Policy 7.3

A process of investigation and public consultation shall be undertaken that will identify and define additional parts of the Coastal Marine Area where:

(a) specific water quality standards should be set and maintained;

(b) the area should be protected from discharges of untreated sewage from vessels; and

(c) there are particular cultural values identified by Tangata Whenua that require protection.

Explanation

Water quality classes will be set initially to improve water quality in some areas for shellfish gathering, contact recreation and for maintaining aquatic ecosystems. Environment Canterbury will investigate the need to have additional areas classified and for additional water quality classes for cultural or aquaculture purposes, or to maintain water quality in its natural state.

Setting of new water quality standards for other areas should be done as part of a process involving further public consultation. Some existing and potential land uses will be affected by a water quality classification in the adjacent Coastal Marine Area. As provided for by the Resource Management (Marine Pollution) Regulations 1998, Environment Canterbury will investigate options and consult those affected, in defining areas requiring protection from the adverse effects of sewage discharges, and within which discharges of untreated sewage from a ship or offshore installation should not be allowed.

It is also important to recognise the cultural values placed on water quality by Tangata Whenua. There is a need to recognise, and safeguard or improve water quality, in areas that are wahi tapu, wahi taonga, or of value for kaimoana or mahinga kai. This includes recognising that some practices, such as the use of coastal water immediately following the scattering of human ashes in that water, is culturally offensive to Maori.

Principal Reason

The setting of water quality standards provides a clear unambiguous statement of the environmental quality to be achieved to provide for water uses and values.

The standards will ensure the community's desires for maintenance and enhancement of water quality in the Coastal Marine Area are met, while at the same time recognising that there may be some processes causing a reduction in water quality that may not be readily controllable. The process of imposing standards requires public consultation.

The Policy helps meet the NZCPS requirement that this plan contains provisions to enhance coastal water quality "*where it is desirable to assist in achieving the purpose of the Act, and in particular where: there is high public interest in, or use of the water", or where "there is a particular tangata whenua interest in the water*…".(Policy 5.1.1)

Methods

The Methods used or to be used by Environment Canterbury are:

investigations; and

regional rules.

Policy 7.4

Before being granted a resource consent for a point source discharge of a contaminant or water into water, or onto or into land in the Coastal Marine Area in circumstances where the discharge, after reasonable mixing, would not achieve the water classification purposes for which the water quality standards set in this plan, the applicant must satisfy Environment Canterbury:

(a) that exceptional circumstances justify the granting of the consent; or

(b) that the discharge is of a temporary nature; or

(c) that the discharge is associated with necessary maintenance work; or

(d) that practicable alternatives to avoid such a discharge are not available.

Explanation

Water has been classified in this plan for one or more of the purposes of maintaining aquatic ecosystems, contact recreation and shellfish gathering. In some circumstances the purpose for which the water quality standards are set may not be compromised by a failure of a discharge to achieve the standard set, or an inability to establish a reasonable mixing zone that allows the relevant water quality standards to be met. However, other discharges may meet the standards but will contain other contaminants that are contrary to the purposes of maintaining aquatic ecosystems, contact recreation and shellfish gathering.

Such special circumstances would include short term and/or intermittent occurrences such as severe rainfall events that exceed the reasonable design capacity of the system. These may be anticipated to occur from time to time, but they have occurrence rates or return periods such that it would be unreasonable to expect them to be fully allowed for in the design of any discharge, effluent storage or treatment facility.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Principal Reason

The policy is needed to provide guidance for dealing with consents for point source discharges that do not achieve the purposes for which water quality standards have been set.

Methods

The Method used or to be used by Environment Canterbury is:

regional rules.

Policy 7.5

Only grant a resource consent to discharge human sewage into water, or onto or into land in the Coastal Marine Area, without it passing through land or a specially constructed wetland outside the Coastal Marine Area, where:

- **(a) the discharge better meets the purpose of the Act than disposal through land or a wetland outside the Coastal Marine Area; and**
- **(b) there has been consultation by the applicant with Tangata Whenua in accordance with Tikanga Maori and due weight has been given to sections 6, 7 and 8 of the Act; and**
- **(c) there has been consultation by the applicant with the community generally; and**
- **(d) the discharge is not within an Area of Significant Natural Value, unless the applicant satisfies Environment Canterbury that exceptional circumstances justify the discharge in such an area.**

Explanation

It is recognised that the direct discharge of human sewage into the Coastal Marine Area is not desirable but may in some cases be necessary and justifiable. The Policy applies both within and outside of areas where water quality standards are set.

Such circumstances should only occur where the discharge is not within an Area of Significant Natural Value; where it does not adversely affect sites of cultural significance for Tangata Whenua; and where:

- land based alternatives are not available because of lack of flat land, unsuitable soils or the volume of sewage involved; or
- the discharge can be carried out in such a way that adverse effects are avoided, remedied or mitigated and the effects are less significant than land based alternatives; or
- the discharge occurs after reasonable steps have been taken to provide adequate emergency storage capacity and backup systems, and to provide adequate warning facilities for system failures.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Methods

The Method used or to be used by Environment Canterbury is:

regional rules.

Policy 7.6

In setting conditions on a resource consent to discharge a contaminant or water into water, or onto or into land in the Coastal Marine Area, a reasonable mixing zone should be determined by considering, amongst other matters, the following:

(a) the volumes, contaminant loading and contaminant concentrations involved with the discharge;

(b) factors such as sea conditions, tides, wave action, water depths, water velocity, and flushing characteristics that will normally affect the assimilative capacity of the receiving water and the dispersion of the contaminants or the discharge water;

(c) the presence of an Area of Significant Natural Value at the site or in close proximity;

(d) the existing use of the immediate area, including the presence of other discharges;

(e) if in any area within which a water quality standard is set, the size of the area in relation to the mixing zone; and

(f) the proximity of adjacent areas where water quality standards have been set; and

(g) the natural values of the receiving environment.

Explanation

This policy identifies matters that are relevant when establishing reasonable mixing zones on a case-by-case basis.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Principal Reason

To provides guidance to consent authorities on what matters should be considered when establishing reasonable mixing zones.

Methods

The Method used or to be used by Environment Canterbury is:

regional rules.

Policy 7.7

Ensure that discharges of water or contaminants into water, or onto or into land in the Coastal Marine Area avoid significant adverse effects on cultural or spiritual values associated with sites, (e.g. areas covered by controls such as taiapure or mahinga mataitai), of special significance to the Tangata Whenua.

Explanation

These values have been identified in relation to water quality as important in the Coastal Marine Area and are established as having priority through this policy. The Policy applies both within and outside of areas where water quality standards are set.

Schedules 1 to 3 identify some particular areas stated as being of special value to Tangata Whenua.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Principal Reason

It is important to recognise the cultural values placed on water quality by Tangata Whenua. There is a need to recognise, and safeguard or improve water quality, in areas that are wahi tapu, wahi taonga, or of value for kaimoana or mahinga kai.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

advocacy;

investigations; and

regional rules.

Policy 7.8

After reasonable mixing, the discharge of a contaminant or water into water, or onto or into land in the Coastal Marine Area, (either by itself or in combination with the same, similar, or other contaminants or water) should not:

(a) give rise to any significant adverse effects on the existing habitats or feeding grounds of indigenous fauna or any significant adverse effects on aquatic ecosystems; and

(b) have acute or chronic toxic effects on fish, either directly or indirectly as a result of an adverse effect on aquatic organisms.

This Policy shall not apply to any effects on any fish or aquatic organism that is specified as a pest in a pest management strategy approved in accordance with the Biosecurity Act 1993.

Explanation

This policy is concerned with preventing adverse effects on water quality of the Coastal Marine Area arising from discharges which would significantly adversely affect fish life, habitats, feeding grounds or aquatic ecosystems. The Policy applies both within and outside of areas where water quality standards are set.

These matters apply in addition to the matters listed in the other Policies in this Chapter of the plan, and the matters that the Act requires a consent authority to consider. A consent authority needs to give proper consideration to any other adverse effects of granting the consent including effects on the environment or on other potential users of the water.

Principal Reason

This Policy provided additional protection for aquatic ecosystems.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

advocacy;

investigations; and

regional rules.

Policy 7.9

The owners and operators of developments such as marinas or wharves or public facilities located in the Coastal Marine Area should ensure that appropriate and adequate sewage and rubbish collection and disposal facilities are installed and available to users and visitors to the development. This shall be required when giving resource consent for all new developments.

Explanation

Policy 5.2.1 of the New Zealand Coastal Policy Statement. requires that *"provision should be made to require adequate and convenient rubbish disposal facilities" and "for the collection and appropriate disposal of the residues from vessel maintenance."*

Policy 5.2.2 of the New Zealand Coastal Policy Statement. requires that *provision should be made to require in all new ports and marinas adequate and convenient facilities to collect sewage from boats.*

Policy 5.2.3 of the New Zealand Coastal Policy Statement. requires that *"provision should be made to encourage those in charge of vessels to discharge sewage and rubbish into collection facilities."*

This policy requires that rubbish and sewage be explicitly considered in any new developments. Existing developments should also provide these facilities.

Principal Reason

To avoid contamination of the Coastal Marine Area by ensuring rubbish and sewage reception facilities are an integral part of new developments and by encouraging such facilities in existing developments.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

advocacy;

regional and other plans;

investigations; and

regional rules.

Policy 7.10

Promote measures that avoid, remedy or mitigate the adverse effects of point and non-point source discharges of contaminants outside the Coastal Marine Area where the discharge can adversely affect the quality of water in the Coastal Marine Area.

Explanation

Non-point source discharges are currently considered to be a source of coastal water degradation in some areas of the Canterbury coast. Land uses involving fertiliser application, stock grazing, spray irrigation of effluent, silage pits, and urban development**,** together with other influences, such as the presence of large bird populations, can increase the nutrient load in waterways after rain. This runoff can increase the concentration of micro-organisms and plant nutrients, reduce water clarity and alter colour, and so degrade the quality of receiving waters in the Coastal Marine Area.

Principal Reason

There is a need to take into account pollution sources inland from the Coastal Marine Area, recognising that both land use and natural processes are potential sources of coastal pollution, for example within some coastal lagoons. There is a need to increase community awareness of the linkages with coastal water quality.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

regional and other plans; and

investigations.

Policy 7.11

Discharges of untreated sewage from ships or offshore installations should not occur within the following bays and harbours of Banks Peninsula:

Te Oka Bay, Peraki Bay, Flea Bay, Otanerito Bay, Le Bons Bay, Okains Bay, Little Akaloa Bay, Pigeon Bay and Port Levy/Koukarata.

Explanation

The Resource Management Act (Marine Pollution) Regulations 1998 provide that a regional coastal plan can control discharges of untreated sewage for particular parts of the region by increasing the distances seaward or increasing the depths that are specified in the Regulations within which no discharges from a ship or offshore installation of untreated sewage may take place.

Discharges of Grade "A" treated sewage are permitted by the Regulations provided they are further than 100 metres from a marine farm and discharges of Grade "B" treated sewage are permitted by the Regulations provided they are further than 500 metres from a marine farm or a mataitai reserve.

Ships are defined by the regulations to include vessels of all descriptions.

Principal Reason

The bays of Banks Peninsula are subject to considerable contact recreational activity. Many of the bays also have designated water quality classifications that will be better able to be met if untreated sewage discharges from ships and offshore installations are prohibited.

The size and shape of the named bays is such that there is only a small part of each bay affected by the policy. To discharge untreated sewage and comply with the regulations a vessel would have to be accurately positioned in those small areas. This is not very practical, and compliance and enforcement is simplified by this policy and the associated prohibited activity rule.

Methods

The Methods used or to be used by Environment Canterbury are:

information provision/education;

advocacy; and

regional rules.

Policy 7.12

Within 3 years of this Plan becoming operative, Environment Canterbury will undertake an assessment of all permits to discharge water or contaminants into water or onto land in the Coastal Marine Area. The assessment will determine whether or not it is appropriate to review the conditions of the permits to enable the water quality standards set by this plan to be met.

Explanation

Existing consented discharges do not have to comply with new standards set by this plan until the plan is operative and a review of the consent conditions undertaken. Before a review of the consent conditions on a discharge permit is commenced, Environment Canterbury must formally consider the need for such a review.

Principal Reason

Reviews of discharge consent conditions may be necessary to achieve the purposes for which water quality standards are set by this plan.

Methods

The Method used or to be used by the Environment Canterbury is:

regional rules.

7.3 Methods

Method 7.1 Information Provision/Education

Environment Canterbury, in consultation with the Minister of Conservation and in liaison with interest groups, stakeholders, land managers, Landcare groups, and district councils, will provide information, technical advice and other assistance on ways to maintain, and where appropriate improve, the quality of point and non-point source discharges.

Techniques which Environment Canterbury may use for increasing public awareness of coastal water quality issues include:

(a) distributing and presenting information to schools, interest and user groups, district councils, Tangata Whenua, and the general public on issues, and on ways of maintaining and improving water quality; and

(b) displays and information signs in heavily used coastal areas; and

(c) assisting in the development of voluntary codes of practice.

In particular, information and education will deal with sewage, litter, urban and rural runoff, public health issues, Tangata Whenua values, bilge and ballast water, cleaner production technology, proper storage of contaminants, transfer of oil between vessels, and disposal of refuse from commercial and recreational vessels.

Environment Canterbury will liase with other local authorities and health authorities to ensure that the public will be adequately warned when degradation of water in the coastal environment has rendered the water unsuitable for swimming, shellfish gathering or other activities.

Principal Reason

To increase public awareness of coastal water quality issues by providing practical and technical information to encourage the public to act to reduce pollution in coastal waters.

Method 7.2 Advocacy

(a) Territorial local authorities and other agencies will be actively encouraged to ensure that there are appropriate waste collection and toilet facilities available at heavily used recreational coastal areas.

(b) Port companies and other agencies will similarly be actively encouraged to ensure that appropriate waste collection and toilet facilities are provided within commercial coastal areas such as ports and marinas. The Australian and New Zealand Environment and Conservation Council (ANZECC) has published “Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand”.

(c) Operators of vessels will be actively encouraged to provide holding tanks and treatment plants for wastes through early adoption of the requirements of Marine Protection Rules under the Maritime Transport Act 1994.

(d) Operators of large vessels transferring oil products will be required through the powers of Environment Canterbury’s Harbourmaster under the Local Government Act 1974 and the Maritime Transport Act 1994 to use and comply with the Environment Canterbury’s “Oil Transfer Checklist” or the Oil Company equivalent.

(e) The public will be actively encouraged to report pollution incidents of coastal water using Environment Canterbury’s 24-hour pollution hotline.

(f) Operators of vessels discharging ballast water are required to comply with the 'Import health standard for the discharge of ballast water within New Zealand' which came into effect on 15 May 1998 and is administered by the Ministry of Fisheries.

Active encouragement will require direct contact between the Council and other agencies and will involve publicity campaigns associated with enhancement of the coastal environment.

Principal Reason

To reduce the adverse effects of a range of discharges and the potential for accidental spillage by taking an active role in advocating the provision of appropriate facilities and by responding rapidly to pollution incidents.

Method 7.3 Regional and Other Plans

Provisions in regional plans applying outside the Coastal Marine Area will contain specific objectives, policies and methods, including rules where necessary, to promote the integrated management of the Coastal Marine Area and the areas inland of the coast.

Regional plans should contain provisions that recognise the interrelationships between water catchment resource issues and the coast. They will provide additional methods to complement this plan. These plans must also be not inconsistent with the New Zealand Coastal Policy Statement 1994.

Environment Canterbury is also required under the Maritime Transport Act 1994 to develop an Oil Spill Contingency Plan to deal with the issue of marine based oil spills. Chapter 8 contains a Rule controlling the transfer of oil from one vessel to another by pipeline, unless both vessels are at anchor or securely moored or berthed. Environment Canterbury Harbour Bylaws in designated harbour areas deal with some safety related aspects of potential contamination.

Principal Reason

To provide for integrated management of environmental issues across administrative boundaries.

Method 7.4 Investigations

Schedule 5 sets out the areas for which water quality standards are set. Some of these areas are known to be used at present for shellfish gathering and water contact recreation and are known to have degraded water quality. These areas are also marked on the Planning Maps in Volume 2.

A process of investigation and public consultation will be undertaken by Environment Canterbury to identify and define other parts of the Coastal Marine Area where specific water quality standards should be set and enforced for the purposes of managing water quality for:

- water contact recreation,
- shellfish gathering,
- protection of aquatic ecosystems,
- Tangata Whenua cultural purposes,
- aquaculture purposes, and
- maintenance of water in its natural state.

The Resource Management (Marine Pollution) Regulations 1998 provide that no persons may discharge untreated sewage from a ship or offshore installation within 500 metres of the shore or a marine farm, or in water depths of less than five metres. Such distances or depths may be increased in a regional coastal plan. Places where the restrictions in the regulations should be tightened should also be determined by the process of investigation and public consultation.

Environment Canterbury will identify priority areas for promoting changes to land use practices to prevent nutrient enrichment and contamination of coastal waters from run-off. Environment Canterbury will also identify priority areas for dealing with point source discharges of contaminants to non-coastal waters where they have adverse effects in the Coastal Marine Area. This identification work will be done within five years of this plan becoming operative.

Principal Reason

To establish and implement a process where coastal water quality standards should be applied to maintain existing high water quality and improve degraded areas. To determine

where water quality in the Coastal Marine Area is significantly affected by non-point source discharges.

Method 7.5 Regional Rules For The Coastal Marine Area

Discharges

The following Rules control discharges of water and contaminants into water, or onto or into land in the Coastal Marine Area.

Rule 7.1 Permitted Activities

(a) Except as provided for by paragraph (b) or (e) of this Rule, the discharge of water, into water, or onto or into land in the Coastal Marine Area, is a Permitted Activity; provided that the discharge, disregarding the effect of any natural perturbations that may affect the receiving water:

(i) shall not result in any scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and

(ii) shall not give rise to any of the following effects in the Coastal Marine Area further than 20 metres in any direction from the point of the discharge:

**1. within areas classified as Coastal AE water or Coastal CR water: the colour of the receiving water shall not changed by greater than ten points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 33 %;
within any other area: the colour of the receiving water shall not changed by greater than five points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 20 %; or**

2. any emission of objectionable odour; or

3. any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or

4. any change by more than 3^{o} Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25^{o} Celsius.

(b) Except as provided for by paragraph (e), the discharge of stormwater into water, or onto or into land in the Coastal Marine Area is a Permitted Activity, provided that the discharge, disregarding the effect of any natural perturbations that may affect the receiving water:

(i) shall not result in any scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; and

(ii) shall not give rise to any of the following effects in the Coastal Marine Area, in any direction from the point of the discharge, and further than the greater of 100 metres, or 100 times the average internal diameter of the outfall pipe being used, or 100 times the average width of the open culvert or drain being used:

1. the production of suspended materials; or

2. (a) within areas classified as Coastal AE water or Coastal CR water: a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50%;

3. (b) within any other area: a change in the colour of the receiving water by greater than five points, as measured using the Munsell

Scale, or a reduction in the visual clarity of the receiving water by greater than 20%;

and

(iii) shall not give rise to any of the following effects in the Coastal Marine Area, in any direction from the point of the discharge, and further than the greater of 20 metres, or 20 times the average internal diameter of the outfall pipe being used, or 20 times the average width of the open culvert or drain being used:

1. **the production of conspicuous oil or grease films, scums or foams, or floatable materials; or**
2. **any emission of objectionable odour; or**
3. **any reduction in the concentration of dissolved oxygen in the receiving water to less than 80% of saturation; or**
4. **any change by more than 3^{o} Celsius in the natural temperature of the receiving water or any change that causes it to exceed 25^{o} Celsius; or**
5. **other than in the Operational Area of a Port, any increases in the concentrations of the dissolved fractions of the following metals in the receiving water, measured after filtering a sample through an acid-washed 0.45 micron filter, to more than the following concentrations:**

Arsenic	**50 mg per cubic metre**
Cadmium	**2 mg per cubic metre**
Chromium	**50 mg per cubic metre**
Copper	**5 mg per cubic metre**
Lead	**5 mg per cubic metre**
Nickel	**15 mg per cubic metre**
Zinc	**50 mg per cubic metre; or**

6. **other than in the Operational Area of a Port, any increase in the BOD_5 of the receiving water measured after filtration through a GF/C filter, to more than 2 g per cubic metre.**
7. **in the Operational Area of a Port, the capability of causing significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity.**

(c) The discharge of anti-fouling material or marine organisms into water, or onto or into land in the Coastal Marine Area, other than in the Operational Area of a Port, resulting from the washing down, scrubbing, scraping or cleaning of Authorised Structures or the external hulls or decks of vessels is a Permitted Activity, provided that the discharge, (either by itself or in combination with the same, similar or other contaminants or water), shall not give rise to any of the following effects in the Coastal Marine Area further than 5 metres in any direction from the point of the discharge:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) within areas classified as Coastal AE water or Coastal CR water: a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 %;
within any other area: a change in the colour of the receiving water by greater than five points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 20 %; or

(iii) any emission of objectionable odour; or

(iv) any increases in the concentrations of the dissolved fractions of the following metals in the receiving water, measured after filtering a sample through an acid-washed 0.45 micron filter, to more than the following concentrations:

Arsenic	**50 mg per cubic metre**
Cadmium	**2 mg per cubic metre**
Chromium	**50 mg per cubic metre**
Copper	**5 mg per cubic metre**
Lead	**5 mg per cubic metre**
Nickel	**15 mg per cubic metre**
Zinc	**50 mg per cubic metre.**

(d) The discharge of anti-fouling material or marine organisms into water, or onto or into land, within the Operational Area of a Port, resulting from the washing down, scrubbing, scraping or cleaning of Authorised Structures or the external hulls or decks of vessels is a Permitted Activity, provided that the discharge, (either by itself or in combination with the same, similar or other contaminants or water), shall not give rise to any of the following effects in the Coastal Marine Area further than 20 metres in any direction from the point of the discharge:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 %; or

(iii) any emission of objectionable odour; or

(iv) the capability of causing significant adverse effects on aquatic life or the capability of causing a significant loss of indigenous biological diversity."

(e) The discharge into water, or onto or into land in the Coastal Marine Area of sediment already present in, on, under, the foreshore or seabed is a Permitted Activity where the discharge is the result of the disturbance of the sediment:

(i) through any erection, reconstruction, placement, alteration, extension, removal or demolition of a structure that is authorised as a Permitted Activity by Rule 8.1, or granted a resource consent in accordance with Rules 8.2, 8.3, 8.4 or 8.5; or

(ii) authorised as a Permitted Activity by Rule 8.7, or granted a resource consent in accordance with Rules 8.8 or 8.9.

(f) The discharge of stormwater into water or onto or into land in the Coastal Marine Area as runoff through a pipe, channel, drain, culvert or other collection system from a road where the road, its batters or retaining walls abut the Coastal Marine Area, is a Permitted Activity, provided that the discharge shall not result in:

(i) any scouring or erosion of the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours; or

(ii) any deposition of sediment or other suspended material on the foreshore or seabed that is not erased by wind, tidal or wave action within 24 hours.

Principal Reason

To allow discharges of stormwater and other water which have a minor or no adverse effect. To allow discharges of anti fouling material and marine organisms from vessels and structures where there is no practical alternative and where they have a minor or no adverse

effect. To allow discharges of sediment associated with construction, placement, or alterations of structures that are authorised as a permitted activity, or by a resource consent, in accordance with Chapter 8.

Rule 7.2 Discretionary Activities

Except as provided for by Rules 7.1, 7.3 7.4, 7.5 or 7.6, the discharge of any water or any contaminant, into water, or onto or into land, in the Coastal Marine Area, is a Discretionary Activity and shall comply with the standards and terms set out below.

This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.

Standards and Terms for Rule 7.2

(1) Except as specified in (2) below, the activity shall comply with the following standards and terms:

(a) The relevant water quality standards contained in the water quality classes set out in Schedule 4 shall be observed. The standards apply after reasonable mixing of any discharge of contaminants or water to water and disregard the effect of any natural perturbations that may affect the receiving water.

(b) The discharge, (either by itself or in combination with the same, similar, or other contaminants or water), and disregarding the effect of any natural perturbations that may affect the receiving water, shall not, after reasonable mixing of the contaminant with the receiving water, give rise to any of the following effects in the receiving waters:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) within areas classified as Coastal AE water or Coastal CR water: a change in the colour of the receiving water by greater than ten points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 50 %; within any other area: a change in the colour of the receiving water by greater than five points, as measured using the Munsell Scale, or a reduction in the visual clarity of the receiving water by greater than 20 %; or

(iii) any emission of objectionable odour.

(2) The discharge of dredged material by or on behalf of the Lyttelton Port Company within the spoil dumping grounds in Lyttelton Harbour/Whakaraupo shown in Map 5.5 is a Discretionary Activity for which no standards and terms are set by this Rule."

Effect of Rule 7.2 on Existing Resource Consents

This rule shall affect, under Section 130 of the Act, the exercise of existing coastal permits for discharges of water or contaminants.

The holders of resource consents shall comply with the terms of this rule from the date at which the new conditions on their resource consent commence in accordance with Section 116 of the Act. This compliance may be required in stages or over specified periods.

When this rule becomes operative, Environment Canterbury may serve notice, under Section 128 of the Act, on the holders of all such resource consents of its intention to review the conditions of their resource consent, where, in Environment Canterbury's opinion, it is appropriate to do so in order to enable the standards set by this Rule to be met.

Principal Reason

To control new and existing discharges which may have significant adverse effects on habitats, feeding grounds or aquatic ecosystems, and to allow improvement in water quality in areas of coastal water where there is significant degradation.

Rule 7.3 Discretionary Activities

The discharge of human sewage into water, or onto or into land, in the Coastal Marine Area, is a Discretionary Activity where the sewage has not passed through soil or a wetland outside the Coastal Marine Area. The activity shall comply with the standards and terms set out below.

This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.

Standards and Terms for Rule 7.3

The activity shall comply with the following standards and terms:

(a) The relevant water quality standards contained in the water quality classes set out in Schedule 4 shall be observed. The standards apply after reasonable mixing of any discharge of contaminants or water to water and disregard the effect of any natural perturbations that may affect the receiving water.

(b) The discharge, (either by itself or in combination with the same, similar, or other contaminants or water), and disregarding the effect of any natural perturbations that may affect the receiving water, shall not, after reasonable mixing of the contaminant with the receiving water; give rise to any of the following effects in the receiving waters:

  (i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

  (ii) within areas classified as Coastal AE water or Coastal CR water: the colour of the receiving water shall not changed by greater than ten points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 50 %;
  within any other area: the colour of the receiving water shall not changed by greater than five points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 20 %; or

  (iii) any emission of objectionable odour.

Effect of Rule 7.3 on Existing Resource Consents

This rule shall affect, under Section 130 of the Act, the exercise of existing coastal permits for discharges of water or contaminants.

The holders of resource consents shall comply with the terms of this rule from the date at which the new conditions on their resource consent commence in accordance with Section 119 of the Act. This compliance may be required in stages or over specified periods.

When this rule becomes operative, the Minister of Conservation may serve notice, under Section 128 of the Act, on the holders of all such resource consents of its intention to review the conditions of their resource consent, where, in the Minister of Conservation's opinion, it is appropriate to do so in order to enable the standards set by this Rule to be met.

Principal Reason

Rule 7.4 Discretionary Activities

Except as provided for by Rules 7.3 and 7.6, the discharge of any water or any contaminant, into water, or onto or into land, in the Coastal Marine Area is a Discretionary Activity where:

(a) After reasonable mixing, the contaminant or water discharged, (either by itself or in combination with the same, similar, or other contaminant or water), is likely to give rise to all or any of the following effects in the receiving waters:

(i) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(ii) within areas classified as Coastal AE water or Coastal CR water: the colour of the receiving water shall not changed by greater than ten points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 50 %;
within any other area: the colour of the receiving water shall not changed by greater than five points, as measured using the Munsell Scale, and the visual clarity of the receiving water shall not be reduced by greater than 20 %; or

(iii) any emission of objectionable odour; or

(iv) any significant adverse effects on aquatic life.

(b) The applicant for a consent to discharge is relying on satisfying the consent authority that granting the consent is consistent with the purpose of the Act, and is relying on satisfying the consent authority:

(i) that exceptional circumstances justify the granting of the consent; or

(ii) that the discharge is of a temporary nature; or

(iii) that the discharge is associated with necessary maintenance work.

This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.

Principal Reason

Rule 7.5 Non-Complying Activities

Except as provided for by Rules 7.4 or 7.6, and disregarding the effect of any natural perturbations that may affect the receiving water, the discharge of any water or any contaminant, into water, or onto or into land, in the Coastal Marine Area, is a Non-Complying Activity where the relevant water quality standards contained in the water quality classes set out in Schedule 4 cannot be observed.

This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.

Principal Reason

To provide for discharges that, in some special circumstances, do not meet the relevant water quality standards and need to be considered in accordance with Policy 7.4.

Rule 7.6 Non-Complying Activities

The discharge of human sewage into water, or onto or into land, in the Coastal Marine Area, is a Non-Complying Activity:

(a) where the sewage has not passed through soil or a wetland outside the Coastal Marine Area, and

(b) where the relevant water quality standards set out in Schedule 4 are not observed.

This rule shall not apply to the discharges of contaminants from ships or offshore installations that are subject to section 15B of the Act and associated regulations.

Principal Reason

To provide for discharges that, in some special circumstances, do not meet the relevant water quality standards and need to be considered in accordance with Policy 7.4.

Rule 7.7 Prohibited Activities for which no Resource Consent shall be granted

The discharge of sewage that is not treated sewage, into water, or onto or into land in the Coastal Marine Area, from a ship or offshore installation, is a prohibited activity where it occurs within any of the following bays and harbours of Banks Peninsula enclosed by lines across their headlands and within a 1000 metres of the shore:

Te Oka Bay, Peraki Bay, Flea Bay, Otanerito Bay, Le Bons Bay, Okains Bay, Little Akaloa Bay, Pigeon Bay and Port Levy.

Principal Reason

To vary the distance offshore for the discharge of untreated sewage from a ship or offshore installation, as provided for in the Resource Management Marine Pollution Regulations 1998, in order to:

(a) help achieve the relevant water quality classifications set by this plan and maintain areas of existing high water quality; and

(b) help the interpretation and enforcement of the Regulations.

7.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

(a) people are able to use some presently low water quality areas that have significant value for shellfish gathering or for water contact recreation without risks to their health from the quality of the water;

(b) significant adverse effects on habitats, feeding grounds or ecosystems are avoided;

(c) improvement in the quality of water within the Coastal Marine Area where it is currently degraded by point and non-point source discharges;

(d) areas of mahinga kai and water values of significance to Tangata Whenua safeguarded, and where appropriate enhanced; and

(e) wahi tapu and wahi taonga protected.

7.5 Monitoring

The following will be monitored to assess the suitability and effectiveness of this part of the plan, and any need for it to be reviewed:

(a) compliance with conditions on resource consents and permitted activities;

(b) the ecological status of coastal ecosystems;

(c) the perception of water quality by Tangata Whenua and the public;

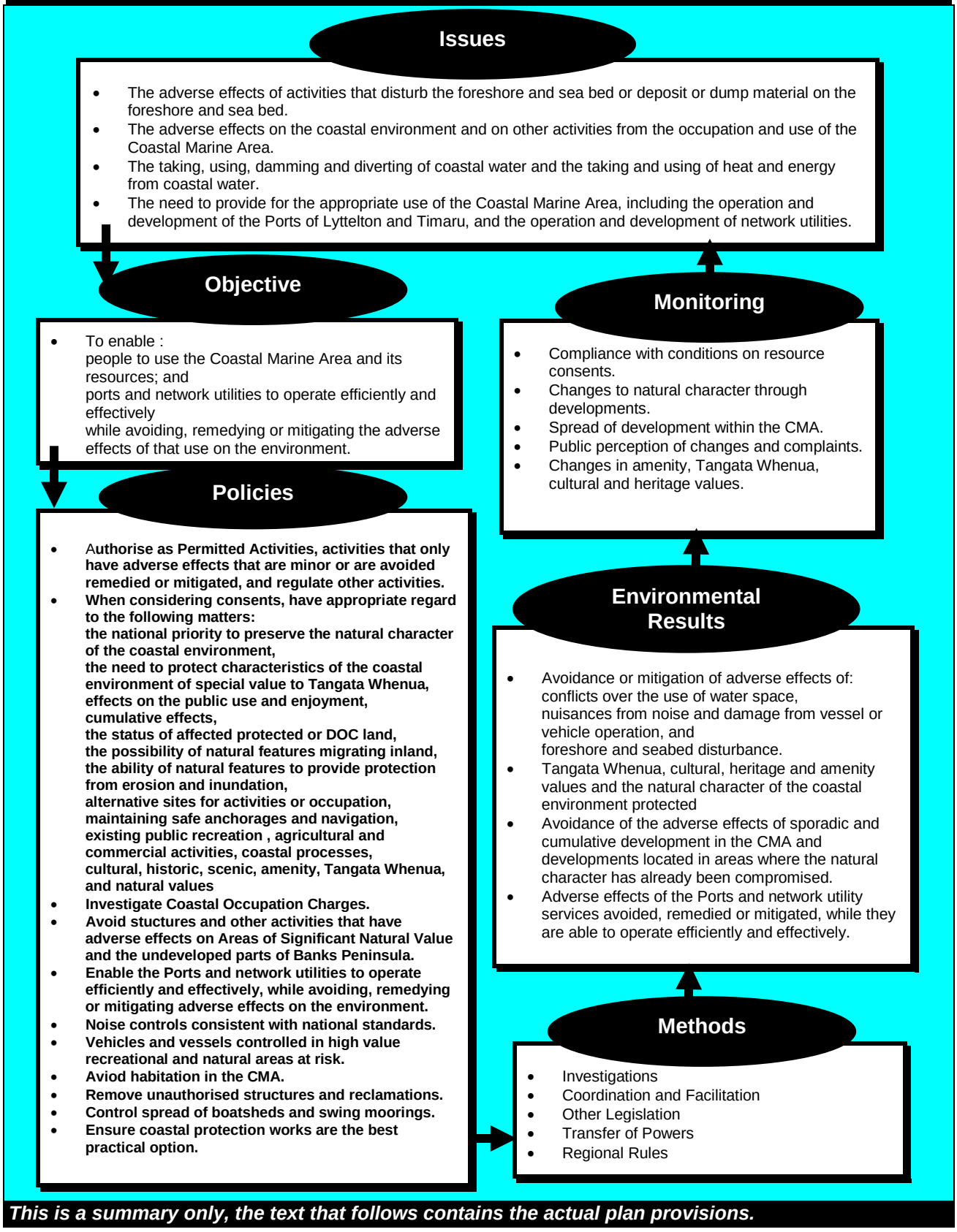
(d) changes in amenity and recreational values;

(e) coastal water quality initially targeted at areas where there are discharges of contaminants; and

(f) incidents recorded or reported to Environment Canterbury relating to unauthorised water pollution incidents.

Chapter 11, Monitoring and Review, contains a detailed monitoring programme.

Figure 8.1 Activities and Occupation in the Coastal Marine Area



This is a summary only, the text that follows contains the actual plan provisions.

Chapter 8: Activities and Occupation in the Coastal Marine Area

8.1 Introduction

This chapter of the plan contains issues, objectives, policies and methods to deal with activities that take place in the Coastal Marine Area and to deal with occupation of the Coastal Marine Area.

Activities controlled by the Act

Section 12 of the Act provides that certain activities in the Coastal Marine Area can not take place unless they are expressly allowed by a rule in an operative regional coastal plan and in any relevant proposed regional coastal plan, or where they are expressly allowed by a resource consent. These activities are:

(a) reclaiming or draining any foreshore or seabed;

(b) erecting, reconstructing, placing, altering, extending, removing or demolishing any structure or any part of a structure that is fixed in, on, under or over any foreshore or seabed;

(c) disturbing any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal);

(d) depositing in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed;

(e) destroying, damaging or disturbing any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat;

(f) introducing or planting any exotic or introduced plant in, on, or under the foreshore or seabed; and

(g) removing any sand, shingle, shell, or other natural material from the land of the Crown in the Coastal Marine Area.

Rules in this plan are able to authorise the above activities without the need for resource consents, although such authorisations may be subject to conditions. These activities and other activities are controlled through the Objectives, Policies and Rules in this plan.

No person may carry out any activity that contravenes a Rule in this plan unless the activity is expressly allowed by a resource consent, or is an existing lawful activity allowed by Section 20 of the Act. Activities in the Coastal Marine Area that are not subject to controls under Sections 12, 14, 15, 15A, 15B, or 15C of the Act, and that are not subject to the Rules in this plan do not need to be authorised by resource consents.

Occupation

Rights to Occupy

Section 12 of the Act restricts occupation of land of the Crown or vested in a regional council in the Coastal Marine Area. No person may occupy any part of the Coastal Marine Area, unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent:

Occupation means occupation that is reasonably necessary for another activity and to the exclusion of other persons who do not have that right of occupation, for a period of time such that a lease or licence would otherwise be physically or legally required. This may involve structures, for example boatsheds, fencing, wharves, piers etc. It also involves activities that

require a right to occupy the land or related parts of the Coastal Marine Area necessary for the activity, for example some marinas and marine farms. Also included are permanent and temporary military training activities undertaken for defence purposes which require exclusive use of particular areas.

Taking of Water or Heat or Energy from Water

Section 14 of the Act provides, with certain exceptions, that no person may take, use, dam, or divert any water, (other than open coastal water), or take or use any heat or energy from water, (other than open coastal water), without it being allowed by a rule in an operative or proposed regional plan or by a resource consent. The exceptions are for fire-fighting purposes or when 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.

Operation and Development of the Ports of Lyttelton and Timaru

Much of Canterbury's coastline is open coast affected by powerful wave action. Consequently opportunities for public access and use are limited, and few activities and structures are located in such areas. However, the two largest commercial ports, Timaru and Lyttelton, depend upon modifying the coastal environment. Modification occurs through the establishment of wharves and dry docks, and associated dredging and spoil dumping.

The ports play a significant role in the economy of the region. To be commercially viable the ports depend on access to deep water and relatively exclusive use of the Coastal Marine Area at and adjacent to the port facilities. For this reason, it is necessary to provide for the operation of the ports and their associated facilities within this plan.

The possibility of further development of the existing port areas also needs to be recognised. Whilst it is important to provide for the efficient and effective operation of the ports, avoiding significant adverse effects on the coastal environment is also important.

Public Access

The issue of maintaining and enhancing public access to and along the Coastal Marine Area is dealt with in the Regional Policy Statement and in Chapter 6. Policies and Methods in Chapter 8 deal with activities and structures, which may affect access.

Conflicts over Use of the Coastal Marine Area

Public use, both private and commercial, tends to concentrate where there is sheltered water and attractive land/seascapes. This raises two particular concerns:

(a) Activities, which are incompatible with other uses and which by themselves, or in combination, have adverse environmental effects. Where such activities may be combined with a built-up hinterland, for example Avon-Heathcote /Ihutai, Sumner, some of the adverse environmental effects such as noise, can occur landward of the Coastal Marine Area. Others relate to conflicts between passive and active use of the Coastal Marine Area and the effects of activities such as dredging and dumping.

(b) Activities that require permanent or semi-permanent structures or exclusive access to areas of the Coastal Marine Area so that they effectively exclude the general public, or render impossible other uses there. Such structures may also have adverse environmental effects including the displacement of recreational activities and damage to flora and fauna and their habitat.

Provisions for the Control of Navigation Safety under the Local Government Act

Parts of the Coastal Marine Area are subject to Environment Canterbury Bylaws made in accordance with the Local Government Act 1974. Since 1996 these Bylaws have applied to: an area surrounding the Kaikoura Peninsula, the Avon and Heathcote Rivers Estuary /Ihutai and Sumner Bay, Lyttelton Harbour/Whakaraupo including Taylors Mistake and Port Levy/Koukourarata, on Banks Peninsula, Akaroa Harbour and an area surrounding the Port of Timaru including Caroline Bay. Other parts of the Coastal Marine Area may also become subject to similar Bylaws at some future date.

The Bylaws control safety and navigation in these areas, including regulating the movement of commercial shipping, regulating the speed of vessels and reserving specified areas for particular activities. The Bylaws can only control water activities for safety or navigation purposes, or for regulating nuisances to people arising from the use of vessels or seaplanes, (including noise nuisance). They cannot be used as a means of avoiding, remedying or mitigating other adverse effects on the environment such as effects on wildlife.

Linkages with Chapter 6 (Natural Character and Appropriate Use of the Coast) and Chapter 7 (Coastal Water Quality)

In considering an application for a resource consent in accordance with the Rules in this Chapter of the plan, the consent authority is also obliged to have regard to the Objectives and Policies in Chapter 6.

Chapter 6 has Objectives and Policies that seek to protect, and where appropriate enhance: Areas of Significant Natural Value; areas of high natural, physical, heritage or cultural value; and identified areas of value to Tangata Whenua, (listed in Schedules 2 and 3).

Chapter 6 also has Objectives and Policies to enable people to undertake commercial and recreational activities in the coastal environment while avoiding conflicts between those activities; and avoiding, remedying or mitigating adverse effects on the natural character of the coastal environment. This includes enabling the Ports of Lyttelton and Timaru to efficiently and effectively operate and develop.

Chapter 6 contains a policy to undertake a process of investigations and public consultation to identify additional areas where it is necessary to protect high natural, physical, heritage, cultural, or Tangata Whenua values. This process will also be used where necessary to establish:

- additional Boatshed Areas or Pile or Swing Mooring Areas;
- areas where different noise standards are appropriate;
- areas where access to and along the Coastal Marine Area needs to be enhanced or controlled; and
- areas that require different standards or rules for activities that are subject to Rules in Chapter 8.

The process of investigations and public consultation will also be used in relation to Chapter 7-Coastal Water Quality to establish:

- additional areas where water quality standards will be applied; and
- parts of the coast where greater distances offshore or deeper water is required for discharges of untreated sewage from vessels or offshore installations. Such matters may be specified in a regional coastal plan in accordance with the Government's Resource Management (Marine Pollution) Regulations 1998.

8.2 Issue Resolution

Issues

(a) The adverse effects of activities that disturb the foreshore and sea bed or deposit or dump material on the foreshore and sea bed. These include adverse effects on ecosystems, flora and fauna, water quality and Tangata Whenua values.

(b) The adverse effects on the coastal environment and on other activities from the occupation and use of the Coastal Marine Area. These include noise effects, conflicts between active and passive uses of areas and effects on people's well-being, health, safety and amenity.

(c) The taking, using, damming and diverting of coastal water and the taking and using of heat and energy from coastal water.

(d) The need to provide for the appropriate use of the Coastal Marine Area, including the efficient and effective operation and development of the Ports of Lyttelton and Timaru, and the efficient and effective operation and development of network utilities.

Objective 8.1

(1) To enable people to use the Coastal Marine Area and its resources while avoiding, remedying or mitigating the adverse effects of that use on the environment, including avoiding, remedying or mitigating the adverse effects:

(a) of conflicts between these uses and people's well-being, health, safety and amenity; and

(b) on natural character, and other (natural, ecological, amenity, Tangata Whenua, historic and cultural) values of the coastal environment.

(2) To enable the efficient and effective operation and development of the Ports of Lyttelton and Timaru and network utilities while avoiding, remedying or mitigating adverse effects on the environment consistent with the normal requirements of commercial ports and network utilities.

Principal Reason

To maintain a coastal environment that is available for all forms of use that do not reduce environmental quality or compromise Tangata Whenua values, and to reduce the adverse effects of activities on the coastal environment.

The ports and network utilities play a significant role in the economy of the region. It is necessary to provide for the efficient and effective operation of the ports and network utilities and their associated facilities within this plan.

The possibility of further development of the existing port areas also needs to be recognised. The ports depend on access to deep water and unimpeded use of the Coastal Marine Area at and adjacent to the port facilities. Whilst it is important to provide for the operation of the ports and network utilities, avoiding significant adverse effects on the coastal environment is also important.

Policy 8.1

Environment Canterbury will authorise as Permitted Activities, subject to conditions that ensure adverse effects are avoided, remedied or mitigated,

activities that take place in the Coastal Marine Area, including:

(a) the reconstruction, alteration, removal or demolition of structures, and the erection of minor structures;

(b) extensions to existing structures in port areas;

(c) limited disturbance of the foreshore or seabed and deposition of natural material;

(d) limited occupation of the Coastal Marine Area; and

(e) taking of coastal water or taking of heat or energy from coastal water; and

(f) the damming or diversion of coastal water; and

(g) the operation and development of network utility networks.

Explanation

The Resource Management Act 1991 restricts these activities in the Coastal Marine Area unless they are authorised by a Rule in the plan. Permitting such activities where they have minor adverse effects allows them to proceed without undue constraint.

Principal Reason

To enable use of the Coastal Marine Area for every-day activities that require location in the Coastal Marine Area, and would otherwise require resource consent, provided other than minor adverse environmental effects are avoided.

Methods

The Method used or to be used by Environment Canterbury is:

Regional rules

Policy 8.2

Environment Canterbury will regulate activities in the Coastal Marine Area that may have adverse effects on the environment.

These activities include:

(a) the placement of swing moorings;

(b) the introduction or planting of exotic plants;

(c) the emission of noise;

(d) reclamations;

(e) the transfer of petroleum products between vessels;

(f) the use of vessels or buildings for habitation;

(g) activities involving: structures, foreshore and sea bed disturbance, deposition of material, occupation, or taking of water or heat or energy from water; where those activities are not authorised as a Permitted Activities; and

(h) production and storage of hazardous substances.

Explanation

The Act restricts many activities in the Coastal Marine Area and enables regional councils to control other activities that may have adverse environmental effects. There are problems of conflicting recreational activities. These problems are largely confined to scarce areas of sheltered water and are seasonally and spatially concentrated. The particular qualities of these areas valued by all users need to be protected.

In all coastal areas the potential adverse effects of a number of human activities on natural and other values need to be assessed through the resource consent process or controlled through Rules.

Disturbance of the foreshore and sea bed, or deposition of material can adversely affect longshore sediment movement. It can also adversely affect the ecology of the area, and people's ability to gather and use the products of the sea. Activities involving occupation of the foreshore or seabed and the emission of noise can adversely affect the ability of other people to use that area and impinge on the natural values and amenity of that area and its surroundings.

Principal Reason

Control of activities is needed to resolve conflict between recreational uses, to protect the coastal environment and to deal with the adverse environmental effects of activities in the Coastal Marine Area.

Methods

The Methods used or to be used by Environment Canterbury are:

Co-ordination and facilitation;

Other legislation; and

Regional rules.

Policy 8.3

In considering applications for resource consents to undertake activities in the Coastal Marine Area, Environment Canterbury will have regard to:

- **(a) the existing level of use and development in the area and the national priority in the New Zealand Coastal Policy Statement to preserve the natural character of the coastal environment; and**
- **(b) the need to protect characteristics of the coastal environment of special value to Tangata Whenua; and**
- **(c) effects on the public use and enjoyment of the coast, including public access to and along the Coastal Marine Area, and the contribution of open space to the amenity value of the coast; and**
- **(d) cumulative effects of such activities on the coastal environment both within and outside the immediate location; and**
- **(e) existing agricultural and other use and development of the adjacent land area, and any adverse effects on that activity; and**
- **(f) the status of any lands or areas administered by the Department of Conservation that are affected; and**
- **(g) the publicly notified purpose of any proposal for protected status, if the application affects an area proposed for protection under a statute administered by the Department of Conservation; and**

(h) the possibility of natural features migrating inland as the result of dynamic coastal processes, including sea level rise, and the ability of natural features to protect subdivision, use and development from erosion and inundation; and

(i) the need to protect existing network utility infrastructure where such infrastructure is located adjacent to or within the Coastal Marine Area.

Explanation

Much of the Coastal Marine Area of Canterbury abuts agricultural land. There is a need to ensure that any activities allowed in the Coastal Marine Area can satisfactorily co-exist with agricultural use. Developments in the Coastal Marine Area may have adverse effects on residents who live adjacent to the Coastal Marine Area, including a loss of amenity, dust or noise.

These matters apply in addition to the matters listed in Policies 8.4, 8.5 and 8.7, and the matters that the Act requires a consent authority to consider.

A consent authority is subject to the purpose of the Act to promote sustainable management, which includes enabling people to provide for their social, economic and cultural wellbeing. In addition to the listed possible adverse effects of the activity the benefits of the proposed activity to people and communities is an important consideration.

Land and areas referenced under the Conservation Act 1987 and other land and areas administered by the Department of Conservation are listed in the Canterbury and Nelson-Marlborough Conservation Management Strategies. The areas are also identified for the Canterbury Conservancy as a layer on Environment Canterbury's computerised Geographic Information Services database. Reference to these sources should be made so that the status of any land or area can be taken into account when deciding resource consents.

Principal Reason

To provide for matters of national significance that are set out in the New Zealand Coastal Policy Statement.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Co-ordination and Facilitation;

Regional rules; and

Other legislation.

Policy 8.4

In considering applications for resource consents to reclaim the Coastal Marine Area, or for the removal of natural materials for commercial purposes, Environment Canterbury will have regard to:

(a) available alternative sites for the reclamation or for the removal of natural materials and the reasons for the applicant's choice of site for the reclamation or the removal of natural materials; and

(b) the need to ensure that material used to create and form a reclamation, or material sited on a reclamation, does not include contaminants that

are likely to, or have the potential to, adversely affect the Coastal Marine Area; and

(c) the effects of the reclamation or removal of materials on natural coastal processes.

Explanation

The New Zealand Coastal Policy Statement requires this plan to provide for a number of matters, including those listed above. These matters apply in addition to the matters listed in Policy 8.3, and the matters that the Act requires a consent authority to consider.

Principal Reason

To provide for matters of national significance that are set out in the New Zealand Coastal Policy Statement.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Co-ordination and Facilitation; and

Regional rules.

Policy 8.5

In considering applications for resource consents to occupy the Coastal Marine Area, Environment Canterbury should:

(a) give priority to maintaining safe anchorages for vessels; and

(b) avoid impeding navigational channels and access to wharves, slipways and jetties; and

(c) avoid displacing existing public recreational use of the area where there are no safe adjacent alternative areas available; and

(d) have regard to existing commercial use of the area and any adverse effects on that activity, including recognition of the designated Port Operational Areas; and

(e) have regard to any adverse effects on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and

(f) have regard to any adverse effects on the cultural, historic, scenic, amenity, Tangata Whenua, and natural values of the area; and

(g) have regard to available alternative sites and the reasons for the applicant's choice of site; and

(h) have regard to existing use and development of the area and the extent to which the natural character of the area has already been compromised; and

(i) only provide for the period or periods of occupation that are reasonably necessary to meet the purposes for which occupation is sought.

Explanation

There are limited areas of sheltered coastal water in the Coastal Marine Area of Canterbury. The waters are largely restricted to Banks Peninsula. The proximity of Christchurch means

that there is considerable recreational fishing and boating in this area. The established operations of the two commercial ports are protected by ensuring that access to the ports, and appropriate use of the operational areas is maintained.

Activities that require the allocation of space, such as marine farms, compete with other uses of the area. Consideration should be given to the effects of occupation on existing uses and values for the area, including effects on the local community and the cumulative effects of displacing existing uses and values.

These matters apply in addition to the matters listed in Policy 8.3, and the matters that the Act requires a consent authority to consider.

Principal Reason

To give priority to maintaining public and vessel safety, the use of existing infrastructure, and to take account of existing public and commercial use of the Coastal Marine Area and the adverse effects of the proposed occupation.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Co-ordination and Facilitation;

Regional rules; and

Other legislation.

Policy 8.6

(a) Environment Canterbury will investigate and consider the introduction of a Coastal Occupation Charging Regime by way of a variation or change to the plan.

(b) In the interim, a Coastal Occupation Charging Regime will not be applied to persons requiring a resource consent to occupy the Coastal Marine Area in the Canterbury Region.

Explanation

In considering whether or not a coastal occupation charging regime would achieve the purpose of the Act, Environment Canterbury has to have regard to:

- The extent to which public benefits from the Coastal Marine area are lost or gained; and
- The extent to which private benefit is obtained from the occupation of the Coastal Marine Area.

Should a Variation or Change to the Plan be notified, a coastal occupation charging regime will be required to state:

- The circumstances when a coastal occupation charge will be imposed.
- The circumstances when the regional council will consider waiving (in whole or in part) a coastal occupation charge.
- The level of charges to be paid or the manner in which the charge will be determined.
- The way the money received will be used for the purpose of promoting the sustainable management of the Coastal Marine Area.

Principal Reason

This plan is required by Section 64A of the Act to include a statement whether or not a coastal occupation charging regime is to be applied.

Methods

The Method used or to be used by Environment Canterbury in circumstances where a coastal occupation charging regime is adopted is:

Regional rules.

Policy 8.7

Activities in the Coastal Marine Area should not take place where they have, or have the potential to have, a significant or irreversible adverse effect on the natural or cultural values of an Area of Significant Natural Value, or on the natural or cultural values of areas of the coastal environment adjacent to an Area of Significant Natural Value; unless:

(a) there are special or extraordinary and unique reasons why the activity should be sited in the area; and

(b) any adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna, are avoided, remedied or mitigated.

Explanation

This policy applies to activities affecting Areas of Significant Natural Value. The particular natural and other values of these areas are identified in Schedule 1. Activities that occur in these areas and involve quantities of material or effects above certain specified thresholds are classified as non-complying activities and applications for resource consents will be considered in the context of this policy.

These matters apply in addition to the matters listed in Policies 8.3, 8.4 and 8.5, and the matters that the Act requires a consent authority to consider.

Principal Reason

Areas of Significant Natural Value are such that there should be additional protection from activities that have significant or irreversible adverse effects. However there may be special or extraordinary and unique reasons that justify an activity being located in the area. In these circumstances, adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna should be avoided, remedied or mitigated.

Methods

The Methods used or to be used by Environment Canterbury are:

Regional rules; and

Other legislation.

Policy 8.8

Enable the Ports of Lyttelton and Timaru to operate efficiently and effectively, by:

(a) providing for normal commercial port activities to occur without the need for resource consents, subject to standards, terms or conditions ensuring that adverse effect on the environment are avoided, remedied or mitigated; and

(b) ensuring that non-port related activities that establish in the Coastal

Marine Area do not have more than a minor adverse effect on the operation of the Ports; and

(c) providing for noise controls that are consistent with national port noise standards; and

(d) recognising that the Ports need to dredge and dump spoil outside the Port areas to remain operational; and

(e) recognising that Port infrastructure, including hard standing areas, wharves, cranes, buildings, and other structures, may be further developed in response to commercial opportunities; and

(f) recognising that the Ports need to have their own controls over access to the Operational Area of the Port, and that provision for public access to, or use of such areas, is not necessarily appropriate.

Explanation

The coastal environments of the Ports of Lyttelton and Timaru are highly modified already through wharf structures, cargo handling equipment, storage tanks and buildings. Vessel access needs to be maintained through maintenance dredging of the main navigation channels.

The Policy provides recognition that the Ports of Lyttelton and Timaru should be enabled to operate efficiently and effectively. Activities that establish in Lyttelton or Timaru Harbours should be compatible with the operation of the Ports. It is recognised that port infrastructure will need to be changed to meet the requirements of the ports and their customers.

Principal Reason

Port operations are dynamic and continuously responding to customer demands and commercial opportunities. Port infrastructure must therefore be capable of being changed to meet changing or growing shipping trades. Recognition of further port development options enables the Ports to develop a more efficient and flexible response to trade requirements. Access to the Port areas needs to be controlled by the Port Authorities for public safety and security reasons.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Co-ordination and Facilitation;

Other legislation; and

Regional rules.

Policy 8.9

In controlling activities generating noise and enforcing noise controls in the Coastal Marine Area, Environment Canterbury should ensure that the noise control rules governing activities in the Operational Areas of the Ports of Lyttelton and Timaru are consistent with those of the adjacent territorial authorities.

Environment Canterbury will apply national port noise standards for the control of noise in the Operational Areas of the Ports, and apply other appropriate environmental Noise Standards elsewhere in the Coastal Marine Area.

Explanation

The noise controls for the Ports of Lyttelton and Timaru will be matched, as far as practical, with those of the adjacent territorial authorities. Efforts will also be made to integrate the enforcement of those common rules through a delegation or transfer of noise control functions. Appropriate environmental noise standards are applicable to construction activities and to vessels and aircraft that operate across regional boundaries.

Principal Reason

The activities of the Ports extend across the boundary of the Coastal Marine Area and it is difficult to determine where the boundary is and which authority is responsible for noise control. In addition, the effects are experienced in the adjacent residential areas where there are other controls on noise that are being enforced by the Territorial local authorities. National Noise standards should be used where they are available.

Methods

The Methods used or to be used by Environment Canterbury are:

Transfer of Powers; and

Regional rules.

Policy 8.10

Motorised vehicles should not be used on the Ashley River /Rakahuri -Saltwater Creek Estuary, within the Estuary of the Heathcote and Avon Rivers /Ihutai, on the beaches from South Brighton to Spencer Park, on Sumner Beach, on Taylors Mistake Beach, on the beach of Caroline Bay, in Okains Bay Lagoon, or on the eastern shore of Brooklands Lagoon.

Motorised vessels or motorised vehicles should not be used within the southern part of Brooklands Lagoon, and motorised vessels should be kept at 5 knots or less within the Estuary of the Heathcote and Avon Rivers /Ihutai.

These restrictions should not apply where the vehicles or vessels are operated in these areas:

- **(a) for specified regulatory purposes; or**
- **(b) for other specified functions carried out by or on behalf of local authorities or government agencies or by the landowner for farm management purposes in the case of the Ashley River/Rakahuri – Saltwater Creek Estuary; or**
- **(c) where it is necessary for authorised construction activities; or**
- **(d) where it is necessary for the authorised removal of natural or other materials; or**
- **(e) by fire fighting, civil defence and rescue organisations ; or**
- **(f) in order for a vessel to be launched or recovered from the nearest access point outside the Coastal Marine Area; or**
- **(g) as part of a convoy conducted by a 4WD club or a district council during winter, where the convoy has been authorised by the district council to operate the vehicles on the adjacent beach area outside the Coastal Marine Area.**

Explanation

The Estuary of the Heathcote and Avon Rivers /Ihutai, the Ashley River/Rakahuri – Saltwater Creek Estuary and Brooklands Lagoon are Areas of Significant Natural Value in close proximity to a large urban area from which there are heavy pressures for vehicle and vessel access. There is a significant potential for conflict between vessel or vehicle operators and other recreational users and wildlife of these areas and the other listed beaches.

Controls on vessel operation in the main recreational boating areas including the Estuary of the Heathcote and Avon Rivers /Ihutai are controlled for safety and navigation purposes by Bylaws made under the Local Government Act 1974. There is a lesser demand for the use of the southern part of Brooklands Lagoon for motorised boating activities.

Principal Reason

To avoid significant adverse environmental effects, including safety concerns, from the operation of vehicles and vessels in parts of the Coastal Marine Area in proximity to the population centres of Christchurch and Timaru.

Methods

The Method used or to be used Environment Canterbury is:

Regional rules.

Policy 8.11

(1) Structures in the Coastal Marine Area should not be used for habitation, or for overnight accommodation.

(2) A vessel should only be used as a dwelling, or for a residence, or for overnight accommodation in any particular estuary, inlet, harbour or embayment on a temporary short term basis.

(3) Exceptions to (1) and (2) should only be made:

(a) where there are extraordinary and unusual reasons for using the structure or vessel in this way; or

(b) where the use of a structure in this way is an essential part of the undertaking of a separate activity for which the structure was placed or erected; or

(c) within the Operational Area of a Port.

Explanation

The use of a dwelling within the Coastal Marine Area is not consistent with preserving the natural character of the coastal environment. It also involves problems of sewage and waste disposal. However, there needs to be provision for exceptions. For example, within a port area there are security personnel and night watchmen, and there is crew accommodation on large vessels in ports.

Principal Reason

To avoid or remedy the adverse effects associated with use of boatsheds or similar buildings or the long-term use of vessels as dwellings or for personal accommodation, while not inhibiting the use of visiting yachts or ships, or inhibiting the short-term overnight use of a vessel.

Methods

The Method used or to be used by Environment Canterbury is:

Regional rules.

Policy 8.12

Environment Canterbury and the Department of Conservation will identify unauthorised structures and unauthorised reclamations or dumping of material in the Coastal Marine Area and will require their owners to either remove the structure or material or obtain appropriate resource consents. Authorised Structures that have been abandoned, and those that have fallen into disrepair, will also be identified and their repair or removal sought if they have more than minor adverse effects on the environment. Where structures have historical value, the first consideration will be in seeking their retention and, where appropriate, their restoration.

In granting applications for resource consents to erect or place structures in the Coastal Marine Area, Environment Canterbury should, where this will be practicable, provide for the structures to be removed from the Coastal Marine Area when they are no longer required by their owners.

Explanation

In the Coastal Marine Area there are both illegal structures and structures that no longer have any useful purpose. There are also unauthorised reclamations and deposition of material. Often they are unsightly, block access or constitute a hazard.

Principal Reason

To avoid or remedy the adverse effect on the marine environment from unauthorised or derelict structures.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Co-ordination and Facilitation;

Other legislation; and

Regional rules.

Policy 8.13

To preserve the natural character of the coastal environment by avoiding the construction of new boatsheds outside defined Boatshed Areas, and by avoiding the placement of new swing moorings outside defined Swing Mooring Areas, except where:

(a) there is a necessity for a boatshed to be located outside a defined Boatshed Area, or a swing mooring to be located outside a defined Swing Mooring Area, because of the operational requirements of an associated activity that is located in the same part of the Coastal Marine Area or immediately adjacent to it; or

(b) in the case of a swing mooring where a consent to place the swing mooring is sought outside a defined Swing Mooring Area, but not within an Area of Significant Natural Value:

(i) there are extraordinary and unusual reasons for the swing moorings to be placed in the area; or

(ii) the mooring owner occupies adjacent land on shore; and there is no defined Swing Mooring Area in close proximity to the site.

In either case, the swing mooring should not significantly adversely affect the natural character of the area; either by itself, in combination with existing swing moorings, or having regard to potential cumulative effects.

Explanation

Defined Swing Mooring areas recognise the existence of safe and accessible anchorages. The defined Boatshed Areas identify where development has already occurred.

Methods

The Method used or to be used by Environment Canterbury is:

Regional rules.

Policy 8.14

In considering applications for resource consents for coastal protection works in the Coastal Marine Area in order to protect existing subdivision, use or development, Environment Canterbury will:

(a) only grant the consent where the works are the best practicable option for the future; and

(b) consider the option of abandonment or relocation of existing structures; and

(c) ensure that any such works are located and designed so as to avoid significant adverse effects on the environment to the extent practicable.

Explanation

This Policy requires explicit consideration of alternatives to coastal protection works and their design.

Principal Reason

A precautionary approach is required to the effects on coastal processes of activities with unknown, but potentially significant adverse effects.

Methods

The Method used or to be used by Environment Canterbury is:

Regional rules.

Policy 8.15

(1) Areas of Banks Peninsula listed in Schedule 5.13 and Areas of Significant Natural Value should be maintained in their present natural states; free of additional structures, including marine farms; unless it can be established for those areas that the structures and their use will have no more than minor adverse effects on:

(a) the natural character of the area including its overall landscape and seascape; and

(b) the marine, foreshore and seabed ecology; and

(c) the water quality; and

(d) the use or enjoyment of the area by recreational, tourist or other users of the marine environment who do not require authorisations for exclusive occupancy; and

(e) the habitat of Hectors Dolphins.

(2) Exceptions to (1) should only be made for:

(a) wharves, jetties and other structures that facilitate public access to the marine environment;

(b) intake or outfall structures;

(c) marine farm operations that existed or were authorised prior to 28 August 1998;

(d) areas for which existing marine farm permits were granted under the Fisheries Act 1983 or the Marine Farming Act 1971 prior to 16 May 2001;

(e) minor expansions of existing marine farm operations at or adjacent to their existing locations;

(f) an area in close proximity to an existing marine farm for the temporary relocation of the marine farm for reasons of storms, algal blooms, oil spills, toxic discharges and other environmental hazards for the operation of the marine farm;

(g) structures for the monitoring of, and/or research into, the marine environment;

(h) structures for the conservation and/or enhancement of marine species;

(i) small scale non-commercial marine farming structures in Mataitai Reserves; and

(j) structures needed to maintain, repair, or protect network utility infrastructure.

Explanation

The areas of Banks Peninsula listed in Schedule 5.13 are: Port Levy/ Koukourarata, Pigeon Bay, Menzies Bay, Decanter Bay, Little Akaloa Bay, Okains Bay, Lavericks Bay, Le Bons Bay, Hickory Bay, Goughs Bay, Fishermans Bay, Shell Bay, Red Bay, Otanerito Bay, Sleepy Bay, Stony Bay, Akaroa Harbour, Island Bay, Long Bay, Peraki Bay, Robin Hood Bay, Te Oka Bay, Tumbledown Bay, Tokoroa Bay, and Hikuraki Bay.

Resource consents for placement of structures and associated occupancy of coastal space should not be granted: in Akaroa Harbour; in the named smaller bays and harbours of Banks Peninsula; and in Areas of Significant Natural Value unless it can be established that there are no more than minor adverse effects on the unique values of these areas. However, there is a need to allow for the listed exceptions that involve existing occupancy or facilitate positive effects on the values of the areas.

Rule 8.5 and Rule 8.6 make the erection and placement of such structures a Non-Complying Activity. The areas on Banks Peninsula are specified in Schedule 5.13 and shown on the Planning Maps. Areas of Significant Natural Value are specified in Schedule 5.5 and also shown on the Planning Maps.

At some future date it may be possible to set aside some parts of the named smaller bays of Banks Peninsula or a further part of Akaroa Harbour for marine farming or other commercial uses. However, such an allocation of limited space is premature without the necessary

research and monitoring of its effects. In any event, a future allocation of space will be limited so as to avoid sporadic development. It will also require studies into the effects on the marine ecosystem.

Principal Reason

To avoid sporadic development of the coastal environment in areas where natural character has not already been compromised.

Banks Peninsula is an area of outstanding natural character, with that natural character largely dependent on the relatively undeveloped state of the coastline and bays around most of the peninsula. Akaroa Harbour is an important area for recreation and tourism.

There are cumulative effects from marine farms on the coastal environment from debris and other material released from marine farms. There are also potential adverse effects on existing marine farms, and on Hectors Dolphins and other marine life (including seals and white-flippered penguins), although their magnitude and significance is uncertain.

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations; and

Regional Rules.

8.3 Methods

Method 8.1 Investigations

Environment Canterbury will investigate the necessity for changes to the provisions of this plan dealing with the allocation of water space in the coastal waters of Banks Peninsula. Such an investigation will involve all relevant user groups, commercial interests including the Lyttelton Port Company Limited and aquaculture ventures, the Department of Conservation, the Ministry of Fisheries, Tangata Whenua and District Councils. This will assist in identifying areas of high natural character, open space and amenity where development should be avoided, and areas where natural character has been compromised and development would be appropriate. The development of siting and design guidelines for common activities and structures could also be an outcome of these investigations.

Environment Canterbury and the Department of Conservation will investigate illegal structures, illegal reclamations and dumping of material and structures that appear to be abandoned and no longer have any useful purpose. Environment Canterbury will attempt to contact the owners of such structures to have them removed or legitimised.

Principal Reason

To ensure that allocation of water space is undertaken in a way that allows both commercial and recreational access while protecting the natural coastal environment. To avoid or remedy adverse effects on the coastal environment from illegal and derelict structures.

Method 8.2 Co-ordination and Facilitation

Environment Canterbury will liaise with and mediate between user groups and territorial local authorities to help resolve conflicts over use of water and foreshore space. It will establish voluntary codes of conduct regarding noise and speed with user groups.

Environment Canterbury will liaise with organised user groups to investigate locations where activities with potentially adverse effects, for example jetskis, may operate.

Environment Canterbury will, in the Coastal Marine Area, ensure that the Hydrographer of the Royal New Zealand Navy and the Maritime Safety Office are advised of new structures and works.

Environment Canterbury will liaise with and participate in the planning processes of District Councils, in order to address any activities with cross boundary effects, including situations where the Coastal Marine Area boundary is difficult to define. Where activities or developments occur across the Coastal Marine Area boundary, Environment Canterbury will seek to participate in joint hearings for resource consent applications.

Principal Reason

To resolve conflict and the needs of users through discussion and mediation and to inform appropriate agencies involved in the safety of shipping of new structures and works in the Coastal Marine Area.

Method 8.3 Other Legislation

Within the areas subject to navigation safety bylaws under the Local Government Act, including: Kaikoura, Lyttelton and Akaroa Harbours, Estuary of the Heathcote and Avon Rivers /Ihutai, Sumner Bay, Taylors Mistake Bay and Caroline Bay. Environment Canterbury will control the use of vessels, and areas will be reserved for passive recreational uses. Areas will be defined for particular uses in order to contain and minimise surface water use conflicts and regulate vessel speed. These areas indicate where particular activities, for example jet skiing, water skiing, power boating, can not take place, and in addition, where such activities are subject to different controls in terms of vessel speed.

The Ngai Tahu Claims Settlement Act (1998) includes statutory provisions in relation to a range of sites and areas significant to Ngai Tahu. Their purpose is to ensure Ngai Tahu's association with certain significant areas is recognised by Environment Canterbury and others when making decisions in resource management. The Te Runanga o Ngai Tahu Act (1996) provides for Te Runanga o Ngai Tahu to be recognised for all purposes as the representative of Ngai Tahu Whanui.

The Fisheries Act 1996 provides for the declaration of a Taiapure which identifies an area that has customarily been of special significance to an Iwi or Hapu as a source of food or for spiritual or cultural reasons. It makes provision for Iwi to have an input to regulations managing the fisheries in the Taiapure. The Act provides for a Mataitai Reserve for an area that is a place of importance for customary food gathering. This allows Iwi representatives to make bylaws controlling the fishery in the Mataitai Reserve, including prohibitions on other than customary fishing for a Marae. The Act provides for a Rahui or temporary closure or restriction of an area for fishing for a period not exceeding two years. A Rahui must be to assist the re-building of fish stock or help recognise the use and management practices of Tangata Whenua.

Principal Reason

The use of bylaws allows matters such as speed, safety and navigation to be dealt with in defined harbour areas.

In controlling or allowing activities Environment Canterbury will need to recognise the existence of Taiapure, Mataitai Reserves and Rahui.

Method 8.4 Transfer of Powers

Environment Canterbury will consider the transfer of functions, powers or duties, in accordance with Section 33 of the Resource Management Act, for example, where the operation of the rules governing noise can best be administered by the appropriate territorial local authority. Rules in this plan, along with other functions and powers, may be transferred to any public authority, including a local authority, iwi authority, Government Department, or statutory authority.

Principal Reason

Such rules must be recognised by district plans, and in some areas it can increase clarity and reduce administrative costs for the public to have one agency responsible for noise controls. It is also better for enforcement purposes in port areas where it is not readily apparent where the Coastal Marine Area begins and ends.

Method 8.5 Regional Rules for the Coastal Marine Area

Introduction

The following rules control activities that take place in the Coastal Marine Area and control occupation of the Coastal Marine Area. Chapter 7 contains Rules controlling the discharge of water or contaminants affecting water quality.

The Rules in Method 8.5 apply only to activities in the Coastal Marine Area within the Canterbury Region.

This plan does not contain Rules governing the taking of fresh water, or the discharge of contaminants to air. The absence of Rules in this plan controlling these activities does not mean that resource consents are not required. Discharges of contaminants or taking of water generally requires resource consents unless allowed by a Rule or exempted by the Act.

Lack of Rules in this plan does not preclude Environment Canterbury from preparing another Regional Coastal Plan, or a Regional Coastal Plan that is part of another Regional Plan, to control the taking of fresh water, or the discharge of contaminants to air.

The Rules in this Chapter of the plan are grouped under the following headings:

- Erection, Reconstruction, Placement, Alteration, Extension, Removal, or Demolition of Structures fixed in, on, under or over any foreshore or seabed.
- Destruction, Damage or Disturbance of any Foreshore or Seabed (including by excavating drilling, or tunnelling) including removal of sand, shingle, shell, or other natural material.
- Deposition of any Substance in, on, or under, any Foreshore or Seabed.
- Introduction or Planting of Exotic Plants.
- Operation of Vessels or Vehicles.
- Emission of Noise in the Coastal Marine Area.
- Occupation of the Coastal Marine Area.
- Reclamations or Drainage.
- Taking of Water, Damming and Diversion of Water or Taking of Heat or Energy from Water.
- Use of Structures or Vessels in the Coastal Marine Area as Residences or Habitable Dwellings.
- Production or Storage of Hazardous Substances.

A definition of the various terms used in the Rules is needed to properly interpret them. Appendix 1, contains definitions of the following terms used in the Rules in this Chapter of the plan, along with other definitions of terms used in the plan:

Area of Significant Natural Value,

Authorised Structure,

Boatshed Area,

Coastal Water and Open Coastal Water,

Exotic Plant Species,

Fish and Game Council,

Government Agency,

Intake Structure,

Main Navigational Channel,

Maintenance Dredging,

Mai-mai,

Network Utility Structure,

Network Utility System,

Operational Area of a Port,

Outfall Structure,

Pile Mooring Area,

Rescue Organisation, and

Swing Mooring Area.

The following areas that are referred to in these Rules are defined in Schedule 5 and are also shown on the Planning Maps in Volume 2:

Areas of Significant Natural Value,

Boatshed Areas,

Main Navigational Channels,

Operational Area of Ports, and

Swing Mooring Areas.

Erection, Reconstruction, Placement, Alteration, Extension, Removal, or Demolition of Structures fixed in, on, under or over any foreshore or seabed.

Rule 8.1 Permitted Activities

Except as provided for by Rules 8.4 or 8.6, the following activities in, on, under, or over any foreshore or seabed are Permitted Activities:

(a) The reconstruction, alteration or extension of an Authorised Structure, or any part of an Authorised Structure, within the Operational Area of a Port, provided that:

(i) the structure shall be used for purposes directly related to the operation of the port; and

(ii) the reconstruction, alteration or extension shall add no more than 30 % to any cross-sectional area of the structure in any twelve month period, and

(iii) for a berth, wharf or jetty, its reconstruction, alteration or extension shall add no more than 10% to any cross-sectional area of the berth, wharf or jetty in any twelve month period.

(b) The reconstruction or alteration of an Authorised Structure, or any part of an Authorised Structure, outside the Operational Area of a Port, provided that:

(i) the reconstruction or alteration shall be for the purpose of repairing or maintaining the structure with like materials; and

(ii) there shall be no change to the location or external dimensions of the structure as it was originally authorised.

(c) The reconstruction, alteration, or extension of any existing Network Utility Structure, or any part of any existing Network Utility Structure, including part or all of any constructed material supporting or protecting such structures, provided that:
in any twelve month period, the reconstruction, alteration, or extension shall add no more than five percent to the height, width, length, volume, plan area, or to any cross-sectional area, of the part of the structure that is in the Coastal Marine Area.

(d) The reconstruction, alteration, extension or replacement of existing telecommunication lines, existing electricity lines, existing radiocommunication facilities, existing electricity facilities, and existing telecommunication facilities;

and

the erection of new radiocommunication facilities and new telecommunication facilities, (but not including the erection of new telecommunication lines or new electricity lines), attached to or placed or mounted on existing Authorised Structures,

provided that:

(i) equipment buildings associated with these facilities are less than 15 square metres in floor area and no higher than 3.5 metres; and

(ii) antennas do not exceed 1.8 metres in diameter or project more than 3.5 metres above their point of attachment; and

(iii) the combined height of any free-standing mast or pole, together with any associated antenna and the structure used to attach the antenna to or

mount the antenna on the mast or pole, shall not exceed 15 metres above the existing structure on which the mast or pole is mounted.

(e) The erection or placement of any cable, telecommunications line or pipeline except a pipeline for the conveyance of hazardous substances forming part of a Network Utility System provided that;

(i) the cable, telecommunications line or pipeline shall be attached to an existing Authorised Structure so that it is partly or totally obscured along all of its length, or buried so that it is subterranean, or for parts that are covered by water at all states of the tide, laid on, in or under the seabed; and

(ii) the network utility operator shall advise the Maritime Safety Authority, Environment Canterbury, the Tangata Whenua of the area, the Department of Conservation and the Hydrographic Office of the Royal New Zealand Navy, at least ten working days before work commences.

(f) The removal or demolition of any structure or part of any structure, by or on behalf of the owner of the structure, provided that:

(i) all materials removed from the structure or part of the structure, other than materials used in the remaining part of the structure or in other structures, shall be removed from the Coastal Marine Area; and

(ii) for wharves, jetties, piled structures or buildings, Environment Canterbury shall be advised in writing at least twenty working days prior to work commencing, if the structure is to be completely removed from the Coastal Marine Area; and

(iii) the structure is not listed in Schedule 5.12 as a Protected Recreational, Cultural or Historic Structure.

(g) Notwithstanding condition (iii) of Rule 8.1 (f), the removal or demolition of the "Screw Piles", beneath the No. 2 Wharf at the Port of Lyttelton, (Structure number 6 in Schedule 5.12) and the removal or demolition of the "Patent Slip" at the Port of Lyttelton (Structure number 11 in Schedule 5.12), provided that:

(i) Environment Canterbury and the Historic Places Trust shall be advised in writing at least twenty working days prior to work commencing; and,

(ii) A professional photographic record of the structure shall be made prior to the removal or demolition of these structures, and any other earlier photographs and plans held by the Lyttelton Port Company shall be collated and copies provided to the Historic Places Trust; and,

(iii) In relation to the "Screw Piles", a screw pile, or a number of screw piles, shall be provided to the Historic Places Trust, on request.

(h) The reconstruction, replacement or alteration, by or on behalf of the owner, of a fixed pile mooring or a pontoon mooring that existed on 2 July 1994, or a fixed pile mooring or a pontoon mooring that has been authorised by a resource consent after 2 July 1994, provided that:

(i) the mooring is within the Pile Mooring Area of Lyttelton Inner Harbour, Magazine Bay or Diamond Harbour or within the Operational Area of a Port; and

(ii) no additional moorings shall be created.

(i) The placement of a mooring within the Operational Area of a Port by, or on behalf of, a Port Company having an occupation right for that purpose.

(j) The reconstruction, alteration or extension of an existing boatshed or its associated launching ramps or rails, provided that;

(i) the boatshed shall be constructed only for the storage and maintenance of a vessel and ancillary equipment and not for overnight stays or residential or dwelling purposes; and

(ii) after the work is completed, previously available public access within or along the Coastal Marine Area shall be maintained; and

(iii) no signs, other than: signs provided for by paragraphs (k) or (l) of this Rule, or signs authorised by a resource consent, or signs of less than 1.5 square metres in total area consisting of the owner's name or an identification number, shall be fixed or painted on the boatshed; and

(iv) the reconstruction, alteration or extension shall not cause the parts of the boatshed within the Coastal Marine Area, but not including its associated launching ramps or rails, to have a length greater than eight metres, or a height greater than four metres above the line of mean high water springs; and

(v) the reconstruction, alteration or extension shall not increase the width of the boatshed.

(k) The erection, reconstruction, placement, alteration or extension of any navigational aid by or on behalf of a port company, a local authority or the Maritime Safety Authority.

(l) The erection, reconstruction, placement, alteration or extension of a sign by Public Health Authorities, Port Companies, the Department of Conservation, the Ministry of Fisheries, territorial local authorities or Environment Canterbury; to inform or warn the public not to disturb flora or fauna or historic or cultural sites, or to inform the public of safe behaviour or of threats to their health and safety; provided that the sign shall be removed when the reason for its siting no longer applies.

(m) The placement of markers for water based sporting or recreation events, including placement of buoys to outline a course, provided that the markers shall be removed within twenty four hours of the completion of the events.

(n) The placement of buoys containing or supporting scientific instruments for measurement or assessment of weather, water temperatures, tidal flows, wave conditions or other characteristics of the water or seabed, provided that the buoys shall not create a hazard to vessels, and shall be removed when the measurements or assessments are completed.

(o) The erection, reconstruction, placement or alteration of a mai-mai, provided that:

(i) the mai-mai shall have a maximum size of 10 square metres and shall be no higher than 1.5 metres above the line of mean high water springs; and

(ii) the mai-mai shall be at least 90 metres from any other mai-mai; and

(iii) the mai-mai shall be constructed or covered with natural materials that are found at the site.

(p) The erection, reconstruction, placement, alteration, or extension of a fence within an Area of Significant Natural Value, provided that:

(i) the activity shall be carried out by or on behalf of a land occupier, local authority or a government agency having management responsibility for the area; and

(ii) the fence shall be for the purpose of protecting natural, historic, cultural or Tangata Whenua values or stock control purposes; and

(iii) the fence shall be removed once it is no longer required; and

(iv) the public shall be informed of the reasons for, and the term of the restrictions, by signs on site; and

(v) Environment Canterbury shall be informed of the reasons for the fence, and the period or periods for which the fence is to be in place, at least ten working days prior to the erection of the fence.

(q) The reconstruction, alteration or extension of a fence provided that:

(i) the fence shall continue along the line of an existing fence that is outside the Coastal Marine Area; and

(ii) the reconstruction or alteration shall not result in any increased obstruction to previously available public access within or along the Coastal Marine Area; and

(iii) a gate or a stile or a similar device shall be provided on the fence to allow walking access along the Coastal Marine Area.

(r) The placement of a swing mooring in a Swing Mooring Area.

(s) The removal or placement of a swing mooring by, or on behalf of, the Regional Harbourmaster:

(i) for navigation safety purposes; or

(ii) to remove an abandoned swing mooring; or

(iii) to remove or replace a swing mooring that is incorrectly or unlawfully placed.

Notes:

(1) The discharges of any contaminants associated with these activities need to be authorised by resource consents or by a Rule in this plan. Rule 7.1 (e) authorises as a Permitted Activity, the discharge of sediment as a result of any disturbance of foreshore or seabed that is authorised as a Permitted Activity by this Rule.

(2) In order to be classified as a Permitted Activity under this rule, an activity need only comply with any one of the activity classes set out as 8.1 (a) to (q).

(3) For the purpose of this rule, “alteration” of a structure includes all alterations involved in the repair, maintenance or upgrade of the structure.

8.3.2 Interpretation provision for Rule 8.1 (r) and 8.1 (s)

For the purposes of paragraphs (r) and (s) or this rule, the term “placement” is restricted to the activity of placing both the mooring block and its attached tackle on the sea bed that is subject to Section 12 (1) of the Act.

Principal Reason

Activities with minor adverse environmental effects, and which take place in areas which already contain development, should be able to proceed without the need for resource consents, but need to fit in with the natural character and the environmental qualities valued by other users.

In this context, the need to maintain the integrity of infrastructure such as network utilities that extend into the Coastal Marine Area and are particularly vulnerable to coastal erosion, such as the State Highway network in Kaikoura and Banks Peninsula Districts, is recognised.

Construction activity carried out within the two port areas of Lyttelton and Timaru, and the placement of shipping aids, should also be allowed, provided that adverse environmental effects are minor, or are avoided, remedied or mitigated.

Rule 8.2 Discretionary Activities

Except as provided for by Rules 8.1, 8.4, 8.5, or 8.6; the erection, reconstruction, placement, alteration, extension, removal or demolition of any structure, or part of any structure, fixed in, on, under, or over any foreshore or seabed; is a Discretionary Activity.

Principal Reason

Activities involving construction works which will cover large areas or take place in areas which currently have little development impact on the coastal environment, through effects on the amenity, natural character, flora and fauna, and other values of that environment. The potential adverse effects of such activities need to be assessed through the resource consent process.

Rule 8.3 Discretionary Activities

Except as provided for by Rule 8.5, the following activities in, on, under, or over any foreshore or seabed are Discretionary Activities:

(a) The erection or placement of a structure or structures which will impound or effectively contain four hectares or more of the Coastal Marine Area except where the structure is a floating or open pile structure and does not impede the flow of water.

(b) The erection or placement of a structure or structures, other than submarine or sub-aqueous cables, where that activity involves structures which:

- **(i) are solid (or present a significant barrier to water or sediment movement); and**
- **(ii) when established on the foreshore or seabed 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).**

(c) The erection or placement of a structure or structures in the Coastal Marine Area where the structure:

- **(i) is solid (or present a significant barrier to water or sediment movement); and**
- **(ii) is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the Coastal Marine Area; and**
- **(iii) in horizontal projection is 100 metres or more in length.**

(d) Any activity involving the erection of a structure for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.4. A

financial contribution shall not be required for structures within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of:

(a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

(b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

(a) Where the environment can be restored, the financial contribution shall be limited to:

  (i) the costs of measures of restoration actually undertaken or to be undertaken; or

  (ii) the costs of restoring the environment to a pre-activity state.

(b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.

(c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall, if possible, be used for the purposes of environmental enhancement or maintenance in the Coastal Marine Area, or in parts of the coastal environment, that are adjacent to where the environmental damage has occurred. If this is not possible the financial contribution shall be applied in other parts of the Coastal Marine Area in the Canterbury Region.

(d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than the lesser of:

  (i) 100% of the cost of the erection or placement for which the resource consent is granted, or

  (ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

The scale of activities listed are such that there is potential for them to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.4 Non-Complying Activities

The following are Non-Complying Activities in, on, under, or over any foreshore or seabed:

(a) the placement of a swing mooring, in, on, under, or over any foreshore or seabed, outside a Swing Mooring Area; and

(b) the erection or placement of a boatshed, or the erection or placement of launching ramps or rails associated with a boatshed, outside a Boatshed Area; and

(c) the erection or placement of a structure within an Area of Significant Natural Value or within an area listed in Schedule 5.13. This shall not apply to:

  (i) a structure allowed as a Permitted Activity by Rule 8.1; or

  (ii) a structure controlled by Rule 8.2 or Rule 8.5; or

(iii) a marine farm structure that was authorised prior to 16 May 2001; or

(iv) the erection or placement of a structure or structures undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Principal Reason

To discourage sporadic development of swing moorings and boatsheds that will detract from the natural character of the coastal environment. To preserve the natural character of the bays and harbours of Banks Peninsula and Areas of Significant Natural Value and their water quality, their use and enjoyment by recreational, tourist or other users, their value as a marine ecosystem and a habitat of marine life and Hectors Dolphins in particular.

Rule 8.5 Non-Complying Activities

Within an Area of Significant Natural Value, or within an area listed in Schedule 5.13, the following activities in, on, under, or over any foreshore or seabed are Non-Complying Activities:

(a) The erection or placement of a structure or structures which will impound or effectively contain four hectares or more of the Coastal Marine Area except where the structure is a floating or open pile structure and does not impede the flow of water.

(b) Other than the erection or placement of a submarine or sub-aqueous pipeline or cable, or the erection or placement of a protection work for a formed road or railway that existed prior to 2 July 1994; the erection or placement of a structure or structures where that activity involves structures which:

(i) are solid (or present a significant barrier to water or sediment movement); and

(ii) when established on the foreshore or seabed 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).

(c) The erection or placement of a structure or structures in the Coastal Marine Area where the structure:

(i) is solid (or present a significant barrier to water or sediment movement); and

(ii) is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the Coastal Marine Area; and

(iii) in horizontal projection is 100 metres or more in length.

(d) Any activity involving the erection of a structure for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.

This rule shall not apply to the erection or placement of a structure or structures undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.6. A financial contribution shall not be required for structures within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of restoring, at the same location or in close proximity, any natural or physical resources, which suffer damage or loss as a result of the activity.

The financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

A financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the erection or placement for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

To avoid or remedy the significant or irreversible adverse environmental effects of large structures in the Schedule 5.13 areas and in Areas of Significant Natural Value in the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Destruction, Damage or Disturbance of any Foreshore or Seabed (including by excavating, drilling, or tunnelling) including removal of sand, shingle, shell, or other natural material.

Rule 8.6 Permitted Activities

The following activities involving disturbance of any foreshore or seabed, (including by excavating, drilling, or tunnelling), including removal of sand, shingle, shell, or other natural material, are Permitted Activities:

(a) The disturbance of the foreshore or seabed, by or on behalf of a local authority or the Department of Conservation, for the purpose of disposal or burial of a dead marine creature.

(b) The disturbance of the foreshore or seabed, or the removal of material, for the purpose of the clearance of an Outfall Structure or an Intake Structure.

(c) The disturbance of the foreshore or seabed, or the removal of material, provided that:

- **(i) The disturbance or removal occurs contemporaneously with and is directly associated with an erection, reconstruction, placement, alteration, extension, removal or demolition of a structure authorised as a Permitted Activity in accordance with Rule 8.1; or by a resource consent in accordance with Rules 8.2, 8.3, 8.4, 8.5; and**
- **(ii) for any disturbance outside the Operational Area of a Port, no more than five cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and**
- **(iii) for any disturbance within the Operational Area of a Port, no more than 50 cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and**
- **(iv) for any disturbance within an Area of Significant Natural Value, no more than two cubic metres of material shall be disturbed or removed from the foreshore or seabed in any twelve month period; and**
- **(v) the disturbance does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12; and**
- **(vi) all disturbed foreshore shall be reinstated to conform to the natural state pertaining in the area before the activity permitted by this rule commenced.**

(d) The disturbance of the foreshore or seabed, or the removal of material, that is directly associated with maintenance dredging within the Operational Area of a Port, or with maintenance dredging of the Main Navigational Channels for the Ports of Lyttelton or Timaru, as shown on the planning maps.

(e) The disturbance of the foreshore or seabed, or the removal of material, for the purpose of clearing an obstruction to a boat ramp or slipway, provided that:

- **(i) the boat ramp or slipway shall be an Authorised Structure; and**
- **(ii) the obstruction has built up subsequent to the construction of the boat ramp or slipway through natural causes, or as a result of the use of the boat ramp or slipway; and**
- **(iii) no more than 50 cubic metres of material shall be disturbed or removed from the foreshore or seabed in any three month period; and**
- **(iv) the disturbance of foreshore or seabed, or the removal of material, shall not occur within an Area of Significant Natural Value.**

(f) Any disturbance of the foreshore or seabed caused by the launching or retrieval of a vessel, provided that:

(i) evidence of the disturbance in the tidal zone is erased by wind, tidal or wave action within 24 hours to conform to the natural state pertaining in the area before the activity permitted by this rule commenced; and

(ii) no material is removed from the foreshore or seabed; and

(iii) no dredging or other disturbance is used to create ramps or areas suitable for launching or retrieval of a vessel.

(g) The disturbance of the foreshore or seabed, or the removal of material:

for the purpose of placing, altering, extending or removing a cable, telecommunication line or pipeline forming part of a Network Utility System;

or

for the purpose of reconstructing, altering, extending or removing part or all of an existing Network Utility Structure or part or all of any constructed or natural material supporting or protecting such structures;

provided that:

(i) The reconstruction, placement, alteration, extension, or removal is authorised as a Permitted Activity in accordance with Rule 8.1;

(ii) evidence of the disturbance or removal is erased by wind, tidal or wave action within 72 hours to conform to the natural state pertaining in the area before the activity permitted by this rule commenced; and

(iii) at the completion of the works, any temporary access constructed to allow machinery access to the Coastal Marine Area shall be reinstated to the natural state pertaining in the area before the activity permitted by this rule commenced; and

(iv) no refuelling of vehicles or machinery shall be undertaken in the Coastal Marine Area; and

(v) the disturbance does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12.

(h) Any disturbance of the foreshore or seabed or the removal of material, within an Area of Significant Natural Value, that is not authorised as a Permitted Activity by paragraphs (a) to (g) of this Rule, provided that:

(i) no more than half a cubic metre of material shall be disturbed or removed by any person in any 24 hour period; and

(ii) no more than two cubic metres of material shall be disturbed or removed by any person in any 12 month period; and

(iii) no motorised excavation machinery or motorised vehicles shall be used; and

(iv) evidence of the disturbance or removal is erased by wind, tidal or wave action within 24 hours to conform to the natural state pertaining in the area before the activity permitted by this rule commenced and

(v) the disturbance does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12.

(i) Any disturbance of the foreshore or seabed or the removal of material, outside an Area of Significant Natural Value, that is not authorised as a Permitted Activity by paragraphs (a) to (g) of this Rule, provided that:

(i) no more than one cubic metre of material shall be disturbed or removed by any person in any 24 hour period; and

(ii) no more than five cubic metres of material shall be disturbed or removed by any person in any 12 month period; and

(iii) no more than half a cubic metre of boulders or shell shall be disturbed or removed by any person in any 24 hour period; and

(iv) no motorised excavation machinery or explosives shall be used to disturb or remove sand, shingle, shell, or other natural material; and

(v) no motorised vehicles shall be used to remove sand, shingle, shell, or other natural material in circumstances where the operation of a motorised vehicle is a Discretionary Activity in accordance with Rule 8.21; and

(vi) evidence of the disturbance or removal is erased by wind, tidal or wave action within 24 hours to conform to the natural state pertaining in the area before the activity permitted by this rule commenced and

(vii) the disturbance does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12.

Notes:

(1) The discharges of any contaminants associated with these activities need to be authorised by resource consents or by a Rule in this plan. Rule 7.1 (e) authorises as a Permitted Activity, the discharge of sediment as a result of any disturbance of foreshore or seabed that is authorised as a Permitted Activity by this Rule.

(2) In order to be classified as a Permitted Activity under this rule, an activity need only comply with any one of the activity classes set out as 8.7 (a) to (i).

Principal Reason

Activities with minor adverse environmental effects need to fit in with the natural character and the environmental qualities valued by other users, but they should be able to take place, subject to reasonable conditions, without the need for a resource consent.

Rule 8.7 Discretionary Activities

Except as provided for by Rules 8.6, 8.8, 8.9 or 8.10, or the disturbance or removal of any plant or animal that is being lawfully harvested, the following activities are Discretionary Activities:

(a) any destruction, damage or disturbance of the foreshore or seabed, (including by excavating, drilling, or tunnelling); and

(b) any removal of sand, shingle, shell, or other natural material from the seabed or foreshore .

Principal Reason

Activities involving the destruction or disturbance of foreshore or seabed and the movement of materials and construction works, impact on the coastal environment, through effects on the amenity, natural character, flora and fauna, and other values of that environment.

Rule 8.8 Discretionary Activities

Any disturbance by any person of the foreshore or seabed, (including by excavating, drilling, or tunnelling), or any removal of sand, shingle, shell, or other natural material by any person, is a Discretionary Activity where that disturbance or removal:

(a) is not Maintenance Dredging, or provided for by Rule 8.10; and

(b) involves, in any twelve month period:

(i) volumes greater than 50,000 cubic metres; or

(ii) extraction from areas equal to or greater than four hectares; or

(iii) extending 1000 metres or more over the foreshore or seabed.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.9. A financial contribution shall not be required for disturbance within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of:

(a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

(b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

(a) Where the environment can be restored, the financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

(b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.

(c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall, if possible, be used for the purposes of environmental enhancement or maintenance in the Coastal Marine Area, or in parts of the coastal environment, that are adjacent to where the environmental damage has occurred. If this is not possible the financial contribution shall be applied in other parts of the Coastal Marine Area in the Canterbury Region.

(d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than: the lesser of:

(i) 100% of the cost of the disturbance of foreshore or seabed for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

The scale of the activity is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.9 Non-Complying Activities

Any disturbance of the foreshore or seabed by any person, (including by excavating, drilling, or tunnelling), or any removal of sand, shingle, shell, or other natural material, by any person; is a Non-Complying Activity where the disturbance or removal:

(a) is within an Area of Significant Natural Value; and

(b) is not Maintenance Dredging, or authorised as a Permitted Activity by Rule 8.6, or provided for by Rule 8.10; and

(c) involves, in any twelve month period, more than 100 cubic metres of material.

This rule shall not apply to disturbances undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Principal Reason

To avoid or remedy the significant or irreversible adverse environmental effects of large disturbances of the foreshore or seabed in Areas of Significant Natural Value in the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.10 Non-Complying Activities

Any disturbance of the foreshore or seabed by any person, (including by excavating, drilling, or tunnelling), or any removal of sand, shingle, shell, or other natural material by any person, is a Non-Complying Activity where the disturbance or removal:

(a) is within an Area of Significant Natural Value; and

(b) is not Maintenance Dredging; and

(c) involves, in any twelve month period:

(i) volumes greater than 50,000 cubic metres; or

(ii) extraction from areas equal to or greater than four hectares; or

(iii) extending 1000 metres or more over the foreshore or seabed.

This rule shall not apply to disturbances undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.11.

The financial contribution shall be made for the purposes of restoring, at the same location or in close proximity, any natural or physical resources, which suffer damage or loss as a result of the activity.

The financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

Notwithstanding this limitation, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the disturbance of foreshore or seabed for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

To avoid or remedy the significant or irreversible adverse environmental effects of large disturbances of the foreshore or seabed in Areas of Significant Natural Value in the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Deposition of any Substance in, on, or under, any Foreshore or Seabed.

Rule 8.11 Permitted Activities

(a) The deposition in, on or under any foreshore or seabed of sediment, sand, shingle, shell or other natural material from the foreshore or seabed that occurs contemporaneously with and is directly associated with any erection, reconstruction, placement, alteration, extension, removal or demolition of a structure or that occurs contemporaneously with and is directly associated with any disturbance of the foreshore or seabed, is a Permitted Activity provided that:

- **(i) the erection, reconstruction, placement, alteration, extension, removal or demolition of the structure or the disturbance of the foreshore or seabed is authorised as a Permitted Activity in accordance with Rules 8.1 or 8.6; or is authorised by a resource consent in accordance with Rules 8.2, 8.3, 8.4, 8.5, 8.7, 8.8 or 8.10; and**
- **(ii) outside the Operational Area of a Port, no more than five cubic metres of material shall be deposited by any person in any twelve month period; and**
- **(iii) within the Operational Areas of a Port, no more than 50 cubic metres of material shall be deposited by any person in any twelve month period; and**
- **(iv) the deposition shall not take place within an Area of Significant Natural Value.**

(b) The deposition in, or on the seabed, of up to 50 kilograms of dyed sand or inert resin particles by a local authority or research agency to measure or determine sediment transport pathways, is a Permitted Activity.

(c) The deposition in, on or under any foreshore or seabed of sediment, sand, shingle, shell or other natural material from the foreshore or seabed:

for the purpose of placing, altering, extending or removing a cable, telecommunication line or pipeline forming part of a Network Utility System; or

for the purpose of reconstructing, altering, extending or removing part or all of an existing Network Utility Structure or part or all of any constructed or natural material supporting or protecting such structures;

provided that:

- **(i) The reconstruction, placement, alteration, extension, or removal is authorised as a Permitted Activity in accordance with Rule 8.1; and**
- **(ii) evidence of the deposition is erased by wind, tidal or wave action within 72 hours to conform to the natural state pertaining in the area before the activity permitted by this rule commenced; and**
- **(iii) Environment Canterbury shall be advised in writing before any deposition occurs to create a temporary access to the Coastal Marine Area for machinery, and at the completion of the works the temporary access shall be reinstated to the natural state pertaining in the area before the activity permitted by this rule commenced; and**
- **(iv) no refuelling of vehicles or machinery shall be undertaken in the Coastal Marine Area; and**
- **(v) the deposition does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12; and**
- **(vi) for the reinstatement or repair of a road or rail batter, the volume of material reinstated may increase the dimensions of the structure by more than five percent, but the volume of material reinstated shall not exceed the volume of batter material lost by more than ten percent.**

Note

(1) In order to be classified as a Permitted Activity under this rule, an activity need only comply with any one of the activity classes set out as 8.12 (a) to (c).

Principal Reason

Activities with minor adverse environmental effects need to fit in with the natural character and the environmental qualities valued by other users but they should be able to take place, subject to reasonable conditions, without the need for a resource consent.

Rule 8.12 Discretionary Activities

Except as provided for by Rules 8.12, 8.14 or 8.15; the deposition by any person of any substance on the foreshore or seabed in a manner that has, or is likely to have, an adverse effect on the foreshore or seabed is a Discretionary Activity.

Principal Reason

Activities involving the movement of materials and construction works, impact on the coastal environment, the foreshore and seabed, through effects on the amenity, natural character, flora and fauna, and other values of that environment.

Rule 8.13 Discretionary Activities

Except as provided for by Rule 8.15, the deposition of more than 50,000 cubic metres of any material on the foreshore or seabed by any person at any site in any twelve month period, is a Discretionary Activity.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.14. A financial contribution shall not be required for deposition within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of:

(a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

(b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

(a) Where the environment can be restored, the financial contribution shall be limited to:

  (i) the costs of measures of restoration actually undertaken or to be undertaken; or

  (ii) the costs of restoring the environment to a pre-activity state.

(b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.

(c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall, if possible, be used for the purposes of environmental enhancement or maintenance in the Coastal Marine Area, or in parts of the coastal environment, that are adjacent to where the environmental damage has

occurred. If this is not possible the financial contribution shall be applied in other parts of the Coastal Marine Area in the Canterbury Region.

(d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the deposition of material on the foreshore or seabed for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

The scale of the activity is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.14 Non-Complying Activities

Except as authorised as a Permitted Activity by Rule 8.11, or provided for by Rule 8.15; the deposition by any person of more than 100 cubic metres of any material on the foreshore or seabed at any site within an Area of Significant Natural Value, in any twelve month period, is a Non-Complying Activity.

This rule shall not apply to depositions undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure; or to the deposition of dredged material by or on behalf of the Lyttelton Port Company within the spoil dumping grounds in Lyttelton Harbour/Whakaraupo shown in Map 5.5.

Principal Reason

To avoid or remedy the adverse effects of large-scale depositions in an Area of Significant Natural Value. The scale of the activity is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.15 Non-Complying Activities

Within an Area of Significant Natural Value, the deposition, by any person, of more than 50,000 cubic metres of any material on the foreshore or seabed at any site in any twelve month period, is a Non-Complying Activity.

This rule shall not apply to depositions undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure; or to the deposition of dredged material by or on behalf of the Lyttelton Port Company within the spoil dumping grounds in Lyttelton Harbour/Whakaraupo shown in Map 5.5.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.16.

The financial contribution shall be made for the purposes of restoring, at the same location or in close proximity, any natural or physical resources, which suffer damage or loss as a result of the activity.

The financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

Notwithstanding this limitation, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the deposition of material on the foreshore or seabed for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

To avoid or remedy the adverse effects of large scale depositions in an Area of Significant Natural Value. The scale of the activity is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Introduction or Planting of Exotic Plant Species.

Rule 8.16 Discretionary Activities

The introduction or planting of any Exotic Plant Species to the Coastal Marine Area, where that plant species is already present within five kilometres of the site, is a Discretionary Activity.

Principal Reason

The flora of the foreshore and seabed can be adversely affected by introduced species and this can limit species diversity and affect the natural character.

Rule 8.17 Discretionary Activities

Except as provided for by Rule 8.18, the introduction of any Exotic Plant Species to the Coastal Marine Area, where that plant species has not already been present for a period of five years or more within five kilometres of the site, is a Discretionary Activity.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.17. A financial contribution shall not be required for planting within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of:

(a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

(b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

(a) Where the environment can be restored, the financial contribution shall be limited to:

  (i) the costs of measures of restoration actually undertaken or to be undertaken; or

  (ii) the costs of restoring the environment to a pre-activity state.

(b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.

(c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall, if possible, be used for the purposes of environmental enhancement or maintenance in the Coastal Marine Area, or in parts of the coastal environment, that are adjacent to where the environmental damage has occurred. If this is not possible the financial contribution shall be applied in other parts of the Coastal Marine Area in the Canterbury Region.

(d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than the lesser of:

  (i) 100% of the cost of the planting for which the resource consent is granted, or

  (ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

The activity is such that there is potential for it to have significant or irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.18 Non-Complying Activities

Within an Area of Significant Natural Value, the introduction of any Exotic Plant Species to the Coastal Marine Area, where that plant species has not already been present for a period of five years or more within five kilometres of the site, is a Non-Complying Activity.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.18. The financial contribution shall be made for the purposes of restoring, at the same location or in close proximity, any natural or physical resources, which suffer damage or loss as a result of the activity.

The financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

Notwithstanding this limitation, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the planting for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

To avoid or remedy the adverse effects of planting of exotic plants in an Area of Significant Natural Value. The activity is such that there is potential for it to have significant or irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Operation of Vessels or Vehicles.

Rule 8.19 Prohibited Activities for which no Resource Consent will be granted

Unless both vessels are:

(a) at anchor or securely moored or berthed; or

(b) operated by the New Zealand Defence Force; or

(c) in open coastal water at least six nautical miles offshore and not within any Area of Significant Natural Value;

the transfer or receipt of petroleum products by means of a pipeline system from one vessel to another vessel is a Prohibited Activity for which no resource consent will be granted.

Principal Reason

To reduce the risks of oil spills that have the potential to adversely affect natural and physical features in the Coastal Marine Area.

Rule 8.19A Non-Complying Activities

Within the Coastal Marine Area contained within a line from Moa Point on Kaikoura Peninsula, (map reference O31:661-644), to Spy Glass Point near the Haumuri Bluffs (map reference O32:524-502), the placing of divers or swimmers within cages or other protective systems lowered from a vessel, following, or at the same time as, the release or discharge of shark attractants, including blood or offal, from the vessel is a Non-Complying Activity.

Principal Reason

To minimise conflict between recreational diving activities and eco-tourism, including swimming with dolphins, and activities involving “Swimming with Sharks” that are incompatible, by having an area within which “Swimming with Sharks” requires a resource consent and needs to be not contrary to the objectives and policies of this plan.

Rule 8.20 Prohibited Activities for which no Resource Consent will be granted

(a) Except as provided for by paragraphs (e) or (d) of this Rule, the operation of any motorised vehicle, at any state of the tide, within the following areas, is a Prohibited Activity for which no resource consent will be granted:

(i) within the Estuary of the Avon and Heathcote Rivers /Ihutai bounded to the east by a line extending between Shag Rock and the end of Rocking Horse Road (South Brighton Spit); or

(ii) within the areas defined in Schedule 5.8 as: Ashley River /Rakahuri - Saltwater Creek Estuary, Brooklands Lagoon Eastern Shoreline, South Brighton Spit to Spencer Park, Sumner Beach, Taylors Mistake Beach, Okains Bay Lagoon, and Caroline Bay Beach.

(b) Except as provided for by paragraph (d) of this Rule, the operation of any motorised vessel or motorised vehicle, at any state of the tide, within the Coastal Marine Area of Brooklands Lagoon, south of a line extending across the Lagoon 200 metres south of, and on the same bearing as, the middle line of Dartford Street, is a Prohibited Activity for which no resource consent will be granted.

(c) Except as provided for by paragraph (f) of this Rule, the operation of any motorised vessel at a speed through the water in excess of 5 knots, at any state

of the tide, within the Coastal Marine Area of the Estuary of the Avon and Heathcote Rivers/Ihutai, west of Shag Rock, is a Prohibited Activity for which no resource consent will be granted.

(d) Paragraphs (a) and (b) of this Rule shall not apply to the operation of a motorised vessel or motorised vehicle:

(i) by or on behalf of a local authority, government agency, or fish and game council, for the provision of enforcement services, or for the rescue, protection or disposal of marine animals or other wildlife or animals; or

(ii) by or on behalf of a local authority or government agency for: water quality sampling, the control or cleanup of contaminants, or resource investigations or monitoring; or

(iii) by or on behalf of a local authority, or government agency, for: track maintenance, pest control, or the removal of rubbish or beach cast material; or

(iv) the undertaking of civil defence or fire fighting activities, (including training activities), beach and beach facility maintenance, or training or rescue operations by a Rescue Organisation; or

(v) for the purpose of recovering or launching of a vessel from the water, provided the vehicle moves directly between the launching or landing point and the nearest access point outside the Coastal Marine Area; or

(vi) in the case of the Ashley River/Rakahuri – Saltwater Creek Estuary, by the landowner for farm management purposes; or

(vii) as part of a convoy of motorised vehicles conducted by a 4WD club or a district council on any day between 1 June and 31 August in any year provided that:

the 4WD club or the relevant officer of the district council has been authorised in writing by the district council to operate the vehicles on that day on the adjacent beach areas that lie outside the parts of Coastal Marine Area controlled by this rule; and

Environment Canterbury has been provided with a copy of this authorisation at least 7 days beforehand;

or

(viii) as part of an organised event in the part of the beach at Caroline Bay falling within the Coastal Marine Area provided:

that the organiser of the event have received authorisation from the District Council to operate the motorised vehicles in the adjacent area above the Coastal Marine Area; and

that the relevant provisions of Rule 8.22 (b) are met where a sporting event needs exclusive occupation of the Coastal Marine Area because it may endanger public safety.

(e) Paragraph (a) of this Rule shall not apply to the operation of a motorised vessel or motorised vehicle:

(i) for any erection, reconstruction, placement, alteration, extension, removal or demolition of a structure authorised as a Permitted Activity in accordance with paragraphs (b), (c), (d), (e), (h), (i) or (l) of Rule 8.1; or by a resource consent in accordance with Rules 8.3, 8.4 or 8.5; or

(ii) for any disturbance of foreshore or seabed authorised as a Permitted Activity in accordance with paragraphs (a), (b), (c) or (e) of Rule 8.6; or by a resource consent in accordance with Rules 8.6, 8.7, 8.9 or 8.10; or

(iii) that is a hovercraft operating on the waters of the Estuary of the Avon and Heathcote Rivers/Ihutai.

(f) Paragraph (c) of this Rule shall not apply to the operation of a motorised vessel:

(i) by or on behalf of a local authority, government agency, or fish and game council, for the provision of enforcement services; or

(ii) the undertaking of civil defence or fire fighting activities, (including training activities), or training or rescue operations by a Rescue Organisation.

Principal Reason

In areas such as the Estuary of the Heathcote and Avon Rivers /Ihutai, and the bathing beaches of Brighton, Sumner, Taylors Mistake and Caroline Bay there is a potential for conflict between pedestrians and vehicles. In and around Brooklands Lagoon, the Estuary of the Heathcote and Avon Rivers/Ihutai, and the Ashley River/Rakahuri -Saltwater Creek Estuary, there is potential for disturbance of the high natural values, particularly wildlife. Such conflicts with other users of the water area and disturbance to amenity are such that vehicle and vessels should be restricted. Section 12(3) of the Resource Management Act allows control of any activity in, on, under, or over any Coastal Marine Area in relation to adverse effects.

Exemptions need to be made for rescue organisations, to allow direct access to authorised launching places, to enable regulatory functions to be undertaken, and to allow some authorised construction and other activities.

Activities Emitting Noise in the Coastal Marine Area.

Rule 8.21 Discretionary Activities

Operational Area of the Port of Lyttelton

(a) Except as provided for by paragraph (f) of this Rule, any activity related to the operation of the Port of Lyttelton that is emitting noise at any point within the Operational Area of the Port of Lyttelton, is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:

65 dBA Ldn average sound level calculated on an energy basis over any five consecutive days, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.

68 dBA Ldn day-night average sound level on any day when measured and assessed, at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.

60 dBA Leq (9 hour) time average level over any 9 hour period from 10 p.m. on any day to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.

65 dBA Leq (15 min) time average level for any 15 minute period between 10 p.m. to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.

85 dBA Lmax maximum sound level on any night from 10 p.m to 7 a.m. the next day, when measured and assessed at any point on land at, or beyond, the Lyttelton Inner Noise Control Boundary shown on the Planning Maps in Volume 2.

Operational Area of the Port of Timaru

(b) Except as provided for by paragraph (f) of this Rule, any activity emitting noise at any point within the Operational Area of the Port of Timaru, is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:

55 dBA $L_{10\ (15\ min)}$ measured and assessed at any point on land beyond the Timaru Noise Control Area shown on the Planning Maps in Volume 2 between 7 am and 10 pm on the same day.

45 dBA $L_{10\ (15\ min)}$ measured and assessed at any point on land beyond the Timaru Noise Control Area shown on the Planning Maps in Volume 2 between 10 pm and 7 am on the following day.

75 dBA L_{max} measured and assessed at any point on land beyond the Timaru Noise Control Area shown on the Planning Maps in Volume 2.

Noise Limits outside the Operational Area of the Ports

(c) Except as provided for by paragraphs (a), (b), (d), (e) or (f) of this Rule, any activity emitting noise in the Coastal Marine Area is a Discretionary Activity if the noise generated by that activity exceeds any of the following noise limits within the areas and times stated:

65 dBA Leq (15 min) measured and assessed at any point on land outside the Coastal Marine Area between 7 am and 10 pm on the same day.

55 dBA Leq (15 min) measured and assessed at any point on land outside the Coastal Marine Area between 10 pm and 7 am the following day.

85 dBA Lmax measured and assessed at any point on land outside the Coastal Marine Area.

Emission of noise from a motorised vessel

(d) Except as provided for by paragraphs (a), (b) or (f) of this Rule, the operation of the propulsion system of a motorised vessel in the Coastal Marine Area is a Discretionary Activity if the emission of noise from the activity exceeds any of the following noise limits within the areas and times stated:

85 dBA (Sound Exposure Level) measured and assessed at any point on land outside the Coastal Marine Area between 7 am and 10 pm on the same day.

78 dBA (Sound Exposure Level) measured and assessed at any point on land outside the Coastal Marine Area between 10 pm and 7 am the following day.

90 dBA (Sound Exposure Level) for any single passage of the vessel, measured and assessed at any stationary point on land outside the Coastal Marine Area more than 25 metres from the line of travel of the vessel.

Emission of noise from an aircraft

(e) Except as provided for by paragraphs (a), (b) or (f) of this Rule, the landing, departure, movement, or servicing of an aircraft in the Coastal Marine Area is a Discretionary Activity if the emission of noise from the activity exceeds any of the following noise limits within the areas and times stated:

100 dBA (Sound Exposure Level) measured and assessed at any point on land outside the Coastal Marine Area between 7 am and 10 pm on the same day.

75 dBA L_{max} measured and assessed at any point on land outside the Coastal Marine Area between 10 pm and 7 am the following day.

Exemptions

(f) This Rule shall not apply where the activity generating the noise involves:

- **(i) the normal operation of navigational aids, safety signals, warning devices, including ships sirens, and pressure relief valves; or**
- **(ii) the undertaking of emergency works; or**
- **(iii) military training or military exercises carried out by the New Zealand Defence Forces; or**
- **(iv) the construction or maintenance of a structure where the noise meets the limits recommended in, and measured and assessed in accordance with NZS 6803:1999 "Acoustics-Construction Noise"; or**
- **(v) motorised vessels that are in the course of transiting the Ports of Lyttelton or Timaru, or operating within the Operational Areas of the Ports; but not including the operation of a vessel when berthed; or**
- **(vi) the operation of motorised vessels that are participating in a boat race for which speed restrictions set by Bylaws made by Environment Canterbury in accordance with the Local Government Act 1974 have been suspended; or**
- **(vii) the over-flying of aircraft that are not landing or departing from a landing area in the Coastal Marine Area of the Canterbury Region.**

Interpretations and Measurement

(g) For the purpose of paragraphs (a), (c), (d) and (e) of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1999 "Acoustics– Measurement of Sound"

(h) For the purpose of paragraph (b) of this Rule, noise shall be measured in accordance with the provisions of NZS 6801:1991 "Measurement of sound".

(i) For the purpose of paragraph (a) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6809:1999 "Acoustics– Port noise: Management and land use planning"

(j) For the purpose of paragraph (b) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1991 "Assessment of environmental sound".

(k) For the purpose of paragraphs (c) to (e) of this Rule, noise shall be assessed in accordance with the provisions of NZS 6802:1999 "Acoustics– Assessment of environmental noise".

(l) For the purpose of paragraph (f) (iv) of this Rule the term "structure" shall not include any vessel.

(m) In paragraphs (a) and (b) "beyond" shall mean in a direction away from the Port Operational Area.

Principal Reason

Noise in the Coastal Marine Area is to be expected, particularly from the operation of the two commercial ports and from the operation of vessels. However, high noise levels can have adverse effects on health and amenity values and on wildlife habitats in the coastal environment. Controls are therefore necessary to control the adverse effects of high noise levels. Noise above 65 dBA Ldn has the potential to have direct adverse health effects.

Noise limits should be compatible with those set inland of the Coastal Marine Area, particularly where there is a local agreement or a New Zealand Standard has been implemented to resolve potential conflicts, for example those between port activities and residences.

The measurement point applicable for noise sources outside the port areas is at the boundary of the Coastal Marine Area. These numerical noise limits have been set at higher levels than the noise limits typically applied by territorial local authorities. This is because the noise limits applied by territorial local authorities are generally applicable at the boundary of residential properties and are therefore further from the noise source.

The noise limits set for the Ports of Lyttelton are consistent with the numerical noise limits in NZS 6809:1999 "Acoustics– Port noise: Management and land use planning".

For the Port of Timaru, the noise limits are those agreed locally through the District Council, and are more restrictive than those found in NZS 6809:1999 "Acoustics– Port noise: Management and land use planning".

Occupation of the Coastal Marine Area.

Rule 8.22 Permitted Activities

The following activities are Permitted Activities:

(a) The occupation of the Coastal Marine Area for the purpose of carrying out the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure that is authorised as a Permitted Activity in accordance with Rule 8.1, or by a resource consent, while that erection, reconstruction, placement, alteration, extension, removal or demolition is occurring, provided that Environment Canterbury is informed in writing of the nature of the activity, the structure and the occupation, at least ten working days before the occupation of the Coastal Marine Area for the activity commences.

(b) The occupation of additional parts of the Coastal Marine Area as a result of the erection, reconstruction, placement, alteration, or extension, of a structure where that activity is authorised as a Permitted Activity in accordance with Rule 8.1, provided that Environment Canterbury is informed in writing of the nature of the changes to the structure and the occupation, at least ten working days before the erection, reconstruction, placement, alteration, or extension commences.

(c) The temporary occupation of the Coastal Marine Area, for the purpose of conducting a sporting event such as a boat race or a beach horse race, where this requires the temporary exclusion of other persons to ensure their safety, provided that:

(i) the occupation shall not be for more than eight consecutive hours in any twelve month period and not for more than five occasions in any twelve month period; and

(ii) Environment Canterbury and the relevant Territorial Local Authority shall be informed in writing of the periods of occupation at least ten working days before the occupation of the Coastal Marine Area by the activity is to commence; and

(iii) the occupation shall not take place within an Area of Significant Natural Value; and

(iv) a notice of the event shall be published in a newspaper circulating in the area between six and ten working days prior to the event and notices shall be prominently displayed on notice boards on the shore adjacent to the event or at the nearest boat ramps for at least eight working days immediately prior to the event; and

(v) for any event on a beach, barriers and markers shall be erected and patrolled by event marshals to protect the safety of non-participants while the event is being conducted; and

(vi) for any motorised boat race, the boundaries of the race course shall be patrolled by event marshals in motorised patrol vessels to warn operators of other vessels of the potential danger of collisions; and

(vii) all equipment used for the event, and any debris or other material left in the Coastal Marine Area by participants or spectators as a result of the event, shall be removed from the Coastal Marine Area;

(d) The occupation of the Coastal Marine Area for the mooring or anchoring of vessels or other floating objects provided that the occupation:

(i) occurs within the Operational Area of a Port and is reasonably necessary for a port operation; or

(ii) is necessary to secure a marker, beacon, buoy or other floating navigational aid or temporary race mark buoy; or

(iii) is consequential to the placement of a mooring as a permitted activity pursuant to Rule 8.1, or through a resource consent to place the mooring.

(e) The occupation of the Coastal Marine Area by a structure that was lawfully established on the date that this part of the rule becomes operative, provided that:

(1) the structure is in good repair and does not constitute a safety hazard; and

(2) the structure is in use and has not been abandoned; and

(3) Environment Canterbury is provided with a plan in sufficient detail to show the location of the structure and the area of the Coastal Marine Area that it occupies; and

(4) public access within and along the Coastal Marine Area is maintained; and conditions 1, 2, and 4 do not apply to any structures within a Port Operational Area.

Military Training

(f) The occupation of the Coastal Marine Area by the New Zealand Defence Force in the Weapons Range/Danger Area NZD 820, located to the north and east of Le Bons Bay, Banks Peninsula, defined in Schedule 5; for the carrying out of permanent and temporary military training activities requiring exclusive occupation including, but not limited to, surface to air and surface to surface weapon firing, and ship exercises provided that the activity is undertaken for defence purposes.

Exclusive Occupancy

(g) The occupation of the Coastal Marine Area by a boatshed or by a clubhouse that are in either case permitted by this rule explicitly includes the right of owners of the structure to exclude persons from the interior of these buildings."

Notes

(1) Rule 8.23 (a) does not authorise the occupation of the Coastal Marine Area taken up by the structure itself, such occupation needs to be authorised by another rule in this part of the plan, or by a resource consent for occupation of the Coastal Marine Area.

(2) Rule 8.23 (b) authorises, as a Permitted Activity, the occupation of new parts of the Coastal Marine Area taken up by some specific structures such as navigation aids, markers, signs, buoys, mai mais, fences, cables, telecommunications lines, pipelines, moorings, and radiocommunication and telecommunication facilities, where their erection or placement is authorised by Rule 8.1.

(3) Rule 8.23 (b) also authorises, as a Permitted Activity, the occupation of the additional parts of the Coastal Marine Area that are taken up as a result of the reconstruction, alteration, extension or replacement of an existing structure, where this reconstruction, alteration, extension or replacement is authorised by Rule 8.1. However, the occupation of the Coastal Marine Area that is taken up by the originally existing structure needs to be separately authorised by another rule in this part of the plan, or by a resource consent for occupation of the Coastal Marine Area.

Principal Reason

A number of activities requiring exclusive occupation of the Coastal Marine Area are limited in time and/or effect or, in the case of military training, are restricted to defined water areas,

they should be able to proceed without the need for a resource consent, subject to reasonable conditions.

Rule 8.23 Discretionary Activities

Except as provided for by Rules 8.22, 8.24 or 8.25; the occupation of the Coastal Marine Area is a Discretionary Activity.

Coastal Occupation Charges

Occupiers of the Coastal Marine Area shall, at the request of Environment Canterbury, pay any relevant Coastal Occupation Charge specified or calculated in accordance with Policy 8.6.

Principal Reason

To assess the potential effects on public access and the potential adverse environmental effects of a range of activities which involve exclusive occupation in the Coastal Marine Area.

Rule 8.24 Discretionary Activities

Except as provided for by Rule 8.25; the occupation of the Coastal Marine Area outside the Operational Area of a Port, is a Discretionary Activity where that occupation would:

(a) exclude or effectively exclude public access from areas of the Coastal Marine Area over ten hectares; or

(b) exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or

(c) involve occupation of an area of the Coastal Marine Area greater then 50 hectares and such occupation would restrict public access to or through the area.

Coastal Occupation Charges

Occupiers of the Coastal Marine Area shall, at the request of Environment Canterbury, pay any relevant Coastal Occupation Charge specified or calculated in accordance with Policy 8.6.

Principal Reason

The scale of the occupation is such that there is a potential for it to have significant adverse effects on the Coastal Marine Area.

Rule 8.25 Non-Complying Activities

Within an Area of Significant Natural Value; the occupation of the Coastal Marine Area is a Non-Complying Activity where that occupation would:

(a) exclude or effectively exclude public access from areas of the Coastal Marine Area over ten hectares; or

(b) exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or

(c) involve occupation of an area of the Coastal Marine Area greater then 50 hectares and such occupation would restrict public access to or through the area.

Coastal Occupation Charges

Occupiers of the Coastal Marine Area shall, at the request of Environment Canterbury, pay any relevant Coastal Occupation Charge specified or calculated in accordance with Policy 8.6.

Principal Reason

To avoid or remedy the adverse effects of large-scale occupations in an Area of Significant Natural Value. The scale of the occupation is such that there is potential for it to have significant adverse effects on the Coastal Marine Area.

Reclamations or Drainage.

Rule 8.26 Discretionary Activities

Except as provided for by Rules 8.27, 8.28 or 8.29; any reclamation or drainage of the foreshore or seabed is a Discretionary Activity.

Note

Any associated occupation of the Coastal Marine Area, disturbance of foreshore or seabed, or deposition of material is subject to other Rules in this plan.

Principal Reason

Activities involving reclamations of the Coastal Marine area, or drainage of the foreshore or seabed, have the potential to cause adverse environmental effects that should be avoided, remedied or mitigated.

Rule 8.27 Discretionary Activities

Except as provided for by Rule 8.29; any reclamation of foreshore or seabed is a Discretionary Activity; where that reclamation:

(a) exceeds one hectare in area; or

(b) extends 100 or more metres in any direction; or

(c) is an incremental reclamation connected to, or part of, another reclamation which was commenced or received a resource consent after 5 May 1994, and where the sum of the existing and proposed reclamations exceed the dimensions in (i) or (ii) above.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.28. A financial contribution shall not be required for reclamation within the Operational Areas of the Ports of Lyttelton and Timaru.

The financial contribution shall be made for the purposes of:

(a) restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

(b) ensuring that there are positive effects on the environment, at the same or any other location in the region, to offset any adverse effects of the activity on natural or physical resources.

The financial contribution shall be determined as follows:

(a) Where the environment can be restored, the financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

(b) Where the environment can not be restored, the financial contribution shall be limited to an amount calculated by the consent authority as if the environment could be restored to a pre-activity state.

(c) Where a financial contribution is received for damage to the environment that can not be restored, the contribution shall, if possible, be used for the purposes of environmental enhancement or maintenance in the Coastal Marine Area, or in parts of the coastal environment, that are adjacent to where the environmental damage has occurred. If this is not possible the financial contribution shall be applied in other parts of the Coastal Marine Area in the Canterbury Region.

(d) Notwithstanding paragraphs (a), (b) and (c) above, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the reclamation for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

The scale of the reclamation is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.28 Non-Complying Activities

Except as provided for by Rule 8.29, any reclamation of foreshore or seabed within an Area of Significant Natural Value is a Non-Complying Activity where that reclamation involves the deposition of more than 100 cubic metres of material on the foreshore or seabed.

This rule shall not apply to reclamations undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Principal Reason

To avoid or remedy the adverse environmental effects of non-minor reclamations in the Areas of Significant Natural Value in the Coastal Marine Area. Reclamations are such that there is potential for them to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Rule 8.29 Non-Complying Activities

Within an Area of Significant Natural Value, any reclamation of foreshore or seabed is a Non-Complying Activity where that reclamation:

(a) exceeds one hectare in area; or

(b) extends 100 or more metres in any direction; or

(c) is an incremental reclamation connected to, or part of, another reclamation which was commenced or received a resource consent after 5 May 1994, and where the sum of the existing and proposed reclamations exceed the dimensions in (i) or (ii) above.

This rule shall not apply to reclamations undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.

Financial Contribution

A financial contribution, in the form of money, land, or any combination thereof, may be required as a condition of any resource consent granted in accordance with Rule 8.30.

The financial contribution shall be made for the purposes of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity; or

The financial contribution shall be limited to:

(i) the costs of measures of restoration actually undertaken or to be undertaken; or

(ii) the costs of restoring the environment to a pre-activity state.

Notwithstanding this limitation, a financial contribution shall be no greater than the lesser of:

(i) 100% of the cost of the reclamation for which the resource consent is granted, or

(ii) the estimated costs of restoring, at the same location or in close proximity, any natural or physical resources which suffer damage or loss as a result of the activity.

Principal Reason

To avoid or remedy the significant adverse environmental effects of large reclamations in the Areas of Significant Natural Value in the Coastal Marine Area. The scale of the reclamation is such that there is potential for it to have significant and irreversible adverse effects on the Coastal Marine Area. The particular adverse effects of concern are adverse effects on natural processes, natural character, habitat and ecosystem functioning.

Taking of Water, Damming or Diversion of water, or Taking of Heat or Energy from Water.

Rule 8.30 Permitted Activities

(1) Any taking of coastal water and any taking of heat or energy from coastal water is a Permitted Activity provided that:

(a) the rate of take shall not be greater than the natural rate of replenishment at the location of the take; and

(b) the take shall not be upstream of the mouth of any river; and

(c) any discharge that results from the taking of coastal water shall be authorised by a Rule in this plan, a resource consent or Regulations made in accordance with the Act; and

(d) the take does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12.

(2) Any damming or diversion of coastal water for the purpose of the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure authorised as a Permitted Activity by Rule 8 1 is a Permitted Activity, provided:

(a) that within 72 hours of the completion of the works, evidence of the damming or diversion is removed to conform to the natural state pertaining in the area before the activity permitted by this rule commenced; and

(b) the damming or diversion does not occur within a Protected Recreational, Cultural or Historic Site listed in Schedule 5.12.

Notes

(1) The taking of open coastal water, and the taking of heat or energy from open coastal water, are activities allowed by the Act unless the taking is controlled by a regional coastal plan.

(2) The taking of coastal water, and the taking of heat or energy from coastal water, are activities allowed by the Act for an individual's reasonable domestic or recreational needs provided there are no adverse effects on the environment.

(3) Coastal water does not include fresh water taken from any aquifer situated beneath any land, foreshore, or seabed in the Coastal Marine Area. Even though this plan does not contain rules controlling the taking of fresh water, a coastal permit will still be required for such takes unless they are exempted by the Act.

(4) This rule does not authorise associated structures for the taking of water or energy from coastal water or for disturbances to the foreshore or seabed.

Principal Reason

The taking of coastal water and taking of heat or energy from coastal water in the Coastal Marine Area and damming or diverting of coastal water should be permitted where there are no adverse effects and where associated discharges of contaminants are authorised.

Rule 8.31 Discretionary Activities

Except as provided for by Rule 8.30, the damming or diversion of water, the taking of coastal water, (other than open coastal water), and the taking of heat or energy from coastal water, (other than open coastal water), are Discretionary Activities.

Notes

(1) The taking of open coastal water, and the taking of heat or energy from open coastal water, are activities allowed by the Act unless the taking is controlled by a regional coastal plan.

(2) The taking of coastal water, and the taking of heat or energy from coastal water, are activities allowed by the Act for an individual's reasonable domestic or recreational needs provided there are no adverse effects on the environment.

(3) Coastal water does not include fresh water taken from any aquifer situated beneath any land, foreshore, or seabed in the Coastal Marine Area. Even though this plan does not contain rules controlling the taking of fresh water, a coastal permit will still be required for such takes unless they are exempted by the Act.

(4) This rule does not authorise associated structures for the taking of water or energy from coastal water or for disturbances to the foreshore or seabed.

Principal Reason

The taking of water or heat or energy from water in the Coastal Marine Area and damming or diverting of coastal water should be controlled where there are actual or potential adverse effects or where associated discharges of contaminants are not authorised.

Use of Structures or Vessels in the Coastal Marine Area as Residences or Habitable Dwellings.

Rule 8.32 Non-Complying Activities

Outside the Operational Area of a Port, the following activities are Non-Complying Activities:

(a) The use of a vessel for overnight accommodation for more than 30 days in any twelve month period, within the same estuary, inlet, harbour or embayment; and

(b) The use of a vessel as a residence for more than 30 days in any twelve month period, within the same estuary, inlet, harbour or embayment; and

(c) The use of any structure for overnight accommodation, as a residence, or as a habitable dwelling.

For the purpose of this Rule the term "structure" does not include any vessel.

Principal Reason

To avoid the adverse effects associated with the long-term use of boatsheds or similar buildings or vessels as a dwelling or for personal accommodation while not preventing the use of visiting yachts, or the short-term overnight use of a vessel. Within a port area there needs to be provision for security personnel, night watchmen, and crew accommodation on large vessels in port.

Production or Storage of Hazardous Substances.

Rule 8.33 Permitted Activities

The production or storage of any hazardous substance is a Permitted Activity, where:

(a) The storage occurs within the Operational Area of a Port; or

(b) The hazardous substance is being carried as cargo on a vehicle, rail wagon, vessel or aircraft; or

(c) The storage is on a vehicle, rail locomotive, vessel or aircraft and is for the purpose of fuelling that vehicle, rail locomotive, vessel or aircraft; or

(d) The storage is on a crane, or in or on a conveyor, or in a pipe or hose, that is being used to load or unload a vehicle, rail wagon, vessel, aircraft or storage container; or

(e) The production or storage is on an offshore drilling or mining installation; or

(f) The storage is such that the amount of the hazardous substance stored in any container, or stored in any building, or stored on or in any structure, is less than 1000 litres or less than one cubic metre in volume; or

(g) The production is such that the amount of the hazardous substance produced in any twelve-month period is less than 1000 litres or less than one cubic metre in volume.

Principal Reason

To avoid some of the potential adverse effects associated with spills or product releases from the production or storage of hazardous substances in the Coastal Marine Area while providing for normal port operations, transportation of hazardous substances, and offshore production facilities.

Rule 8.34 Discretionary Activities

Except as provided for by Rule 8.33, the production or storage of any hazardous substance is a Discretionary Activity

Principal Reason

To avoid remedy or mitigate the potential adverse effects associated with spills or product releases from the production or storage of hazardous substances in the coastal Marine Area.

8.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

(a) the adverse effects of conflicts over the use of water space avoided or mitigated;

(b) the nuisances from noise and damage from vessel or vehicle operation in the Coastal Marine Area avoided or mitigated;

(c) the adverse effects of foreshore and seabed disturbance avoided or mitigated;

(d) Tangata Whenua, cultural, heritage and amenity values and the natural character of the coastal environment protected;

(e) the adverse effects of sporadic and cumulative development in the Coastal Marine Area avoided and developments located in areas where the natural character has already been compromised; and

(f) the adverse effects on the environment of the operation of the Ports of Lyttelton and Timaru and network utility services are avoided, remedied or mitigated, while these services are able to be operated efficiently and effectively.

8.5 Monitoring

The following should be monitored to assess the suitability and effectiveness of this part of the plan, and need for it to be reviewed:

(a) compliance with conditions on Resource Consents;

(b) changes to natural character through developments;

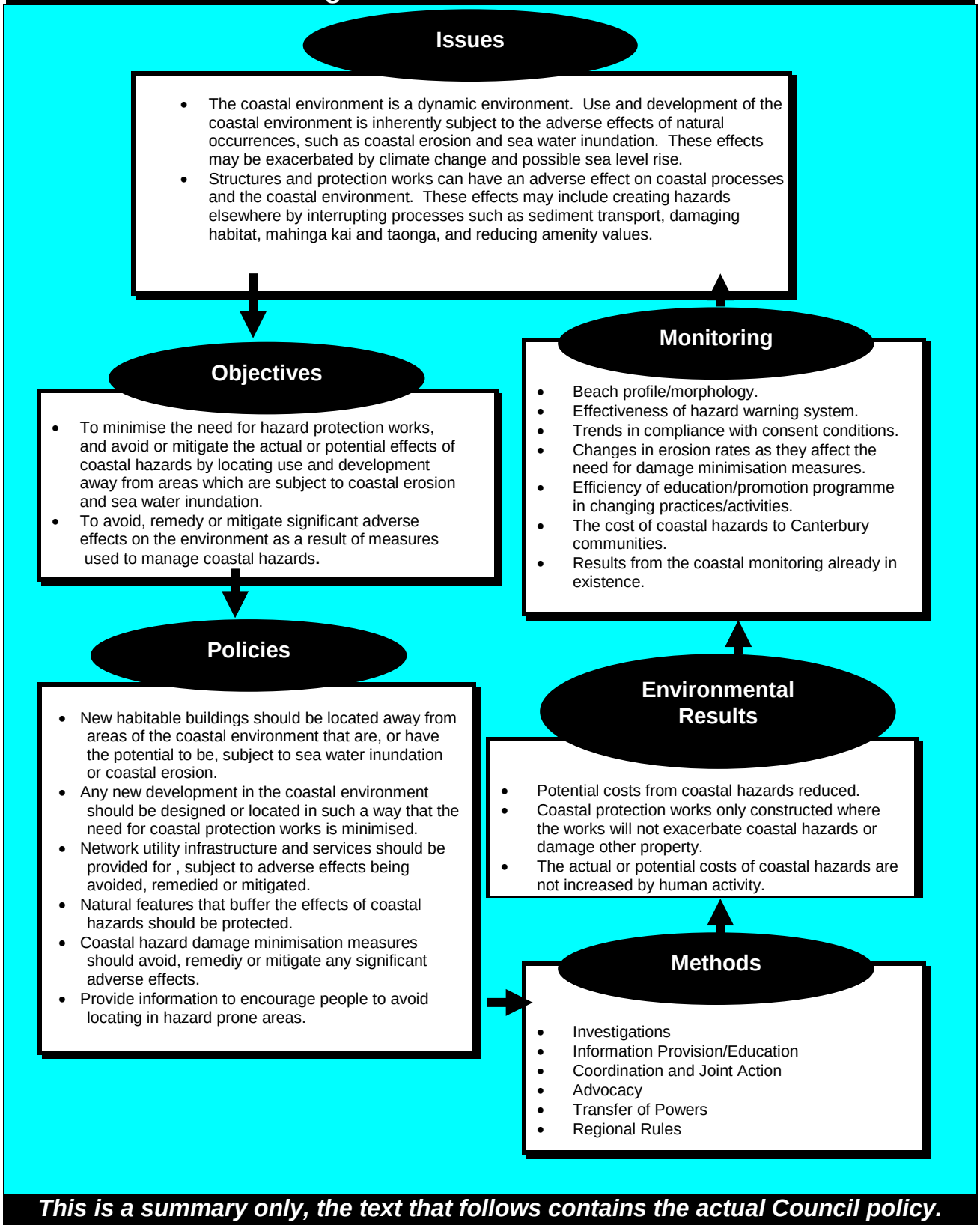
(c) spread of development within the Coastal Marine Area;

(d) public perception of changes and complaints; and

(e) changes in amenity, Tangata Whenua, cultural and heritage values.

Chapter 11, Monitoring and Review, contains a detailed monitoring programme.

Figure 9.1 Coastal Hazards



This is a summary only, the text that follows contains the actual Council policy.

Chapter 9: Coastal Hazards

9.1 Introduction

There is a long history of natural hazards (natural occurrences causing damage) at numerous locations along the Canterbury coast. These hazards have primarily been caused by coastal erosion and sea water inundation damaging property and threatening life. Impediments to river drainage, accretion, sediment transport, and tsunami are other natural coastal events which affect users of Canterbury's coastal environment. In many instances, these users have increased the risk of damage from natural events due to the inappropriate location of assets and activities within event prone areas, and by relying upon inadequate protection works to withstand the sea.

The issue for Environment Canterbury is how to avoid or mitigate the actual and potential costs of these hazards to the community, and how to ensure that the methods used to reduce costs are appropriate for the environment within which they operate.

In evaluating policies and methods to deal with coastal hazards, priority has been given to coastal erosion and sea-water inundation events, as these are considered to be regionally significant due to their widespread nature and ability to cause extensive damage.

A brief definition of these two types of coastal events and an outline of the areas affected in Canterbury follows:

Coastal Erosion

Coastal erosion is defined as the net landward retreat of a cliff edge or stated land contour at the margin of the sea, with or without the net loss of shoreline sediment. Of itself, this does not constitute a problem, unless inappropriate land-uses are located in areas prone to erosion.

Excluding Banks Peninsula, 75% of the coastline of Canterbury is in a long-term erosional state. Rates of retreat have ranged from the extremely high 3.0 metres experienced in one year for the low beach ridge at Washdyke, to the moderately low rate of 0.2 metres per year for mudstone cliff locations in Hurunui District.

The only major areas of open coast (excluding Banks Peninsula) which are not in a state of long term erosion are Kaitorete Barrier, Pegasus Bay, and south of Kaikoura Peninsula. However, all of these areas can suffer from short-term storm induced erosion, which can be very damaging to assets located within the limits of change to beach profiles.

At South Brighton Spit in Pegasus Bay, there have also been alterations in shoreline position associated with changes in the Estuary of the Heathcote and Avon Rivers/Ihutai during recent decades. Within Banks Peninsula, the bay-head beaches can also be affected by storm-induced erosion, while the bedrock exposed cliffs are largely resistant to all erosional forces of the sea.

In all the areas subject to erosion there are a range of assets of varying value. Farmland is lost yearly in the Canterbury Bight, while further south the State Highway and railway are at long term risk, as well as industrial areas and potentially the Timaru City sewer outfall may also be affected. In addition, there are valued wildlife areas such as Washdyke Lagoon which will disappear through long term erosion as current land use practices prevent its migration inland.

Sea Water Inundation

Sea water inundation is defined as the movement of sea water onto the hinterland behind the beach system.

Sea water inundations are mainly confined to South Canterbury where approximately 1,000 hectares of land in the Waihao-Wainono, Hook-Makikihi and Washdyke-Seadown-Milford

areas have been historically affected. Along the remainder of the region's coast sea water inundation problems have been reported at Rakaia-Taumutu, Leithfield, Amberley, and along sections of the Kaikoura Coast.

It is recognised that tsunami events and the possible effects of global climatic warming on sea level, coastal sediment supply and storm generation have enormous potential to damage assets in the coastal environment. There is a need to undertake more investigation on the magnitudes, frequencies and possible effects of these events. The results are to be used in future reviews of coastal hazard management policies and methods. In the absence of consensus as to the precise effects of global climate change, the wisest course is to adopt a precautionary approach when considering developments in the coastal area.

The widespread nature and consequences of coastal erosion and sea water inundation (also tsunami and effects of global warming on the coast) which cross territorial authority boundaries, dictates a need for a regionally consistent approach to dealing with these events and their effect on life, property and the environment.

Responsibility for the Control of the Use of Land for the Avoidance or Mitigation of Natural Hazards

The Regional Policy Statement contains the following Policy on whether the responsibilities for the control of the use of land for the avoidance or mitigation of natural hazards (including coastal hazards) should lie with Environment Canterbury or with Territorial Authorities:

"For the Canterbury region, or any part of the region, which local authority shall have responsibility within its own area for developing objectives, policies, and rules relating to the control of the use of land for the avoidance or mitigation of natural hazards shall be determined in the following manner:

(a) Particular responsibility for any particular hazard or group of hazards shall initially remain with the local authority or local authorities managing that hazard or group of hazards as at 1 January 1994. Where this responsibility is not clear, the Regional Council shall retain primary responsibility.

(b) The Regional Council in consultation with territorial authorities in the region will review responsibilities to ascertain any need for changes to which local authority or local authorities shall have responsibility for managing particular natural hazards or groups of natural hazards."

The consultation referred to in (b) above has commenced, and it includes a review of responsibilities for coastal hazards, but there has been no agreement to change Environment Canterbury responsibilities adopted and implemented in this Plan.

Hazard Zones

In considering a planning response to the issues outlined above, Environment Canterbury has defined Hazard Zones along the Region's coast. Two zones are defined:

Hazard Zone 1	This is a zone delimited by a line approximately parallel with the shoreline, set inland from mean high water mark springs, which contains the current active beach system and land that is at risk from coastal erosion within 50 years of this Plan being produced.
Hazard Zone 2	This is inland from Hazard Zone 1, and marks land that is at risk from coastal erosion in the period 50 to 100 years of this Plan being produced.

For two particular areas of the coast, South Brighton and Motunau, the hazard lines are set from previous Plans. These Plans were:

(a) The Christchurch District Planning Scheme: 2nd Review, which became operative on 1 July 1986, establishing a Residential Coastal Zone for coastal erosion hazard purposes on the South Brighton Spit; and

(b) The Hurunui County District Scheme, which became operative on 1 June 1990, establishing a Motunau Residential Coastal Zone for coastal erosion hazard purposes.

Appendix 3 describes how the Hazard Zones used by this plan were determined.

9.2 Issue Resolution

Issues

(a) The coastal environment is a dynamic environment. Use and development of the coastal environment is inherently subject to the adverse effects of natural occurrences, such as coastal erosion and sea water inundation. These effects may be exacerbated by climate change and possible sea level rise.

(b) Structures and protection works can have an adverse effect on coastal processes and the coastal environment. These effects may include creating hazards elsewhere by interrupting processes such as sediment transport, damaging habitat, mahinga kai and taonga, and reducing amenity values.

Objective 9.1

(a) To minimise the need for hazard protection works, and avoid or mitigate the actual or potential effects of coastal hazards by locating use and development away from areas that are subject to coastal erosion and sea water inundation.

(b) To avoid, remedy or mitigate significant adverse effects on the environment as a result of measures used to manage coastal hazards.

Principal Reason

The aim of natural hazard management is to minimise the net cost of damage. Adopting the principle of avoidance rather than post-hoc protection is the most effective approach in terms of avoiding loss or damage to people, property, or other parts of the natural environment and promoting sustainable management.

Where coastal hazards are actively managed through engineering works or other methods, then the potential adverse effects of such works should be avoided, remedied or mitigated.

Policy 9.1

(a) New habitable buildings should be located away from areas of the coastal environment that are, or have the potential to be, subject to sea water inundation or coastal erosion.

(b) Any new development in the coastal environment should be designed or located in such a way that the need for coastal protection works, now and in the future, is minimised.

(c) The continued use and protection of essential infrastructure and services should be provided for, where no reasonable alternative exists, in areas subject to coastal hazards, provided adverse effects on the coastal

environment are avoided, remedied or mitigated.

(d) New coastal protection works for existing use and development should only be considered where they represent the best practical option for natural hazard mitigation or avoidance, and adverse effects can be avoided, remedied or mitigated.

(e) Natural features that buffer the effects of coastal hazards should be protected.

(f) Any significant adverse effects from the location, type and design of coastal hazard damage minimisation measures should be avoided, remedied or mitigated.

(g) Environment Canterbury will provide information, including information on the incidence of natural occurrences, to encourage people to avoid locating in hazard prone areas.

(h) New coastal protection works should be assessed, and measures taken or advocated as appropriate, to remedy or mitigate any significant adverse effects or remove redundant structures, to assist in restoration and rehabilitation of the natural character of the areas concerned.

(i) To recognise and provide for the existing fuel storage facilities at South Bay in Kaikoura, shown on Map A as the Kaikoura Marine Facilities Zone, provided any coastal hazard risk is mitigated by maintaining a buffer between the fuel tanks and active beach.

Explanation

The forces that create hazards along the coast originate from the sea but, in terms of costs, largely impact on assets along the coastline. A consistent regional approach should give a clear indication of what uses are appropriate within areas, which, on extrapolated trends, will be at risk from erosion within defined periods or may themselves intensify damage from natural occurrences.

Experience has demonstrated that engineering works to protect development that takes place in high risk areas are often an expensive and short term remedy; defining and avoiding risk prone areas is more cost effective. Other works such as sand mining and removal and dune re-contouring can increase the level of damage from natural occurrences.

The definition of Hazard Zones in this Plan has been used in order to provide clarification to prospective developers, local people and territorial local authorities, Councils and other bodies. Experience has indicated that the provision of information about coastal hazards has not been sufficient of itself to deter development from risky coastal locations.

The fuel storage tanks at South Bay form an important part of the operation of the Kaikoura Marine Facilities Zone. The site is susceptible to coastal erosion from tsunami and individual or a series of storm events. The rate and magnitude of coastal erosion is however low, and any risks to the existing fuel facilities can be successfully mitigated by maintaining a buffer between the fuel tanks and the active beach. Therefore the plan requires a resource consent for the storage of hazardous substances in the fuel storage tanks along with effective measures to mitigate the coastal hazards risk to the storage tanks.

Principal Reason

To deal with an issue extending beyond the Coastal Marine Area through a consistent regional approach in order to control development in areas with significant coastal hazards

Methods

The Methods used or to be used by Environment Canterbury are:

Investigations;

Information provision/education;

Coordination and joint action;

Advocacy; and

Regional Rules

9.3 Methods

Method 9.1 Investigations

(a) Environment Canterbury will investigate actual and potential hazards by:

  (i) establishing and maintaining co-operation with weather and tsunami forecasting agencies (met, civil defence) in the issuing of warnings about potentially damaging natural events.

  (ii) assessing the effects of hazards on the coastal environment.

  (iii) maintaining regular collection of data on sea and shoreline conditions in order to determine changes in the occurrence of natural events; and by maintaining regular contact with Ngai Tahu for data collection and policy advice on sea and shoreline conditions in order to determine changes in the occurrence of natural events, changes to the physical nature of the coast, and areas requiring hazard mitigation.

  (iv) preparing five-yearly reports to territorial authorities, or one-off reports where significant change has taken place, on the state of the shoreline and changes in hazards in their district.

  (v) publicising, for those affected, 10 yearly changes in hazards for Hazard Zones 1 and 2.

  (vi) updating hazard maps at 10 year intervals.

(b) Preparing maps of areas of the coastline where the risk of damage from natural events may be increasing due to possible climatic warming, associated sea level rise and Tsunami will be prepared for amendment of this Plan within 5 years of it becoming operative.

Principal Reason

Provides information on natural occurrences (tsunami etc) and hazards as well as information to authorities on the changing nature of shoreline and erosion so that inappropriate locations can be avoided or preventative or protective action can be taken.

Method 9.2 Information Provision/Education

Environment Canterbury, in consultation with territorial local authorities and Ngai Tahu, will identify areas and beach systems at risk from erosion and sea water inundation, and produce information on the adverse effects of certain activities on the natural beach system and of measures which reduce the degree of hazard (e.g. planting native or other species in dune systems, boardwalks and other measures).

Principal Reason

To provide and disseminate information to enable the public to be aware of coastal hazards and the practical ways in which their effects can be reduced.

Method 9.3 Co-ordination and Joint Action

(a) Environment Canterbury, in consultation with affected parties and territorial local authorities will:

(i) identify practicable alternative locations for:

1. existing developments located in Hazard Zone 1; and

2. developments requiring a coastal location which can be directed to lower risk areas;

(ii) identify policies to be included in District Plans to reduce potential damage to properties in the identified Sea Water Inundation Zones shown on the Coastal Hazard Zone Maps in Volume 3 of this Plan; and

(iii) consider all alternatives to meet the objective of avoiding or mitigating coastal hazards.

(b) Environment Canterbury, in conjunction with the Department of Conservation, the relevant territorial authority, Tangata Whenua and interested parties, will seek to develop strategies for the protection or replacement of identified areas of high conservation or cultural value which are at risk in the coastal environment from either natural processes or as a result of methods used to manage coastal hazards. Strategies may include;

(i) beach replenishment to maintain the natural defences of such areas.

(ii) investigation of alternative locations where the natural value can be recreated, including inland migration of the feature or siting along the coast; and

(iii) management plans.

Principal Reason

To promote joint action to reduce the risks and costs of coastal hazards. To retain valued areas such as coastal lagoons which may be under threat from either natural processes or from the adverse effects of hazard management measures.

Method 9.4 Advocacy

Environment Canterbury will encourage territorial local authorities and community groups, including Tangata Whenua, to undertake beach and dune conservation programmes and to use indigenous species when carrying out restoration planting.

Principal Reason

To increase natural defences against coastal hazards.

Method 9.5 Transfer of Powers

Environment Canterbury will consider the transfer of functions, powers or duties under Section 33 of the Resource Management Act where the operation of the rules governing activities in the Hazard Zones can best be administered by the appropriate territorial local authority.

Principal Reason

Such rules must be recognised by district plans and it can increase clarity for the public to have one agency responsible for land use controls in specific areas so that dual consent processes can be avoided.

Method 9.6 Regional Rules

Erosion Hazard

The following rules apply within Hazard Zones 1 and 2, defined on the Coastal Hazard Zone Maps in Volume 3 of this Plan. They control certain uses of land undertaken in areas subject to coastal erosion and control activities that can contribute to coastal erosion.

Rule 9.1 Permitted Activities

The following activities are Permitted Activities within Hazard Zone 1 or within Hazard Zone 2:

(a) The reconstruction or replacement of any structure, other than a structure damaged or destroyed by the action of the sea, provided that:

(i) the structure shall be reconstructed or replaced with one of the same or similar specifications; and

(ii) the structure shall not be reconstructed or replaced in a position that is further seaward than the original structure; and

(iii) if the structure is a habitable building, the floor area shall not be increased; and

(iv) where the habitable building is reconstructed or replaced in a different position on the site pursuant to this rule, the habitable building shall be erected in accordance with the requirements of the zone (within Christchurch City the zone shall be the Living 1 Zone) in the Proposed or Operative District Plan with respect to site coverage, recession planes and setbacks.

(b) The reconstruction or replacement of a habitable building damaged or destroyed by the action of the sea provided:

(i) the site (see definition) on which the habitable building is to be reconstructed or replaced has not eroded to less than 450m2; and

(ii) the habitable building shall be reconstructed or replaced with one of the same or similar specifications; and

(iii) the habitable building shall not be reconstructed or replaced in a position that is further seaward than the original habitable building; and

(iv) the floor area shall not be increased; and

(v) where the habitable building is reconstructed or replaced in a different position on the site pursuant to this rule, the habitable building shall be erected in accordance with the requirements of the zone (within Christchurch City the zone shall be the Living 1 Zone) in the Proposed or Operative District Plan with respect to site coverage, recession planes and setbacks.

(c) In those parts of the coastal settlements of Gore Bay11, Motunau Beach12 and Amberley Beach[13]:

---

11 The coastal settlement of Gore Bay is defined as being the Residential Management Area defined in Planning Map E of the Proposed Hurunui District Plan as notified on 25 September 1995.

(i) **The extension or alteration of a habitable building, providing that the floor area does not increase by more than 25 square metres over and above the floor area which existed at 1 July 1994;**

(ii) **The erection or placement of a non-habitable building that is 25 square metres or less in floor area and accessory to a residential building;**

(iii) **The extension or alteration of a non-habitable building, accessory to a residential building, provided that the floor area does not increase to more than 25 square metres over and above the floor area which existed at 1 July 1994.**

(d) The erection, reconstruction, placement, alteration, or extension of any fence;

(e) The repair or maintenance of any structure, (including a road or railway and its associated protection works), provided that:

(i) **all disturbed land not physically covered by a structure shall be reinstated to conform to the natural or physical state pertaining in the area before the activity permitted by this rule commenced; and**

(ii) **the structure shall substantially retain the same form and dimensions; and**

(iii) **if the structure is a habitable building the floor area shall not increase;**

(f) The disturbance of vegetation for the customary use of Runanga within their rohe;

(g) The excavation, filling, or disposal of spoil, or the removal of sand, rocks, shingle, shell, or other natural material and associated vegetation clearance, in order to undertake earthworks for the installation, maintenance, extension to, or removal of, network utility services, excluding the cutting of an access track across an active beach system, provided that all disturbed land not physically covered by any structure shall be reinstated to conform to the natural or physical state pertaining in the area before the activity permitted by this rule commenced.

Note

Hazard Zone 1 and Hazard Zone 2 are shown on the Coastal hazard Zone Maps in Volume 3 of this Plan.

Principal Reason

To allow limited exemptions from controls designed to avoid or mitigate natural hazards or to avoid the need for coastal protection works. These exemptions are for minor activities, or essential activities already located in the Coastal Hazard Zones.

Rule 9.2 Discretionary Activities for which Discretion is Restricted

Except where the activity is a Permitted Activity in accordance with Rule 9.1 of this Plan, or a Prohibited Activity in accordance with Rules 9.3 or 9.4 of this Plan, the following activities within Hazard Zone 1 or within Hazard Zone 2 are Discretionary

---

[12] The coastal settlement of Motunau Beach is defined as being the Residential Management Area defined in Planning Map F of the Proposed Hurunui District Plan as notified on 25 September 1995.

[13] The coastal settlement of Amberley Beach is defined as being the Residential Management Area defined in Planning Map B of the Proposed Hurunui District Plan as notified on 25 September 1995.

Activities for which Environment Canterbury has restricted the exercise of its discretion:

(a) The erection, reconstruction, placement, alteration, or extension of any structure;

(b) The disturbance (burning, grazing, or removal) of vegetation within active beach systems;

(c) The formation of access tracks (including board walks) across an active beach system;

(d) The artificial adjustment of a beach profile, (including dune re-contouring), within an active beach system;

(e) The excavation, filling, or disposal of spoil in volumes greater than 5 cubic metres per 100 square metres of land area;

(f) The removal of sand, rocks, shingle, shell, or other natural material from an active beach system in volumes greater than 5 cubic metres by any person within any 12 month period.

Note

Hazard Zone 1 and Hazard Zone 2 are shown on the Coastal Hazard Zone Maps in Volume 3 of this Plan.

Restriction of Discretion for Rule 9.2

Environment Canterbury restricts its discretion to the following matters when considering an application for a resource consent in accordance with Rule 9.2 of this plan and in imposing conditions in accordance with Section 108 of the Act:

(a) whether the activity is likely to exacerbate coastal erosion; and

(b) whether the activity is likely to lead to adverse effects from natural hazards on any other property, (where property has the same meaning as in Section 2 of the Building Act 1991);

(c) provision for the removal of any structure or parts of any structure that are rendered unusable through coastal erosion.

Notification

In accordance with Section 94D(2) of the Act, an application for a resource consent for an activity that is sought in accordance with Rule 9.2 of this plan need not be notified in accordance with Section 93 of the Act, and in accordance with Section 94D(3) of the Act, notice of such an application does not need to be served.

Principal Reason

To reduce the effects of coastal hazards by controlling the location and size of developments in designated hazard zones subject to erosion.

Controls are needed because the activities may exacerbate coastal erosion or lead to the natural hazards adversely affecting other properties.

Rule 9.3 Prohibited Activities for which no resource consent shall be granted

The following activities are Prohibited Activities within Hazard Zone 1:

(a) the erection or placement of any habitable building with a floor area greater than 25 square metres, except as provided in rules 9.1(a) and 9.1(b) of this plan;

(b) the extension or alteration of any habitable building with a floor area of 25 square metres or less such that it causes the building to have a floor area greater than 25 square metres, except as provided in rules 9.1(a) and 9.1(b) of this plan;

(c) the construction of a landfill or the use of a landfill for the disposal of solid or hazardous waste;

(d) The production or storage of any hazardous substance, except where:

(i) The hazardous substance is being carried as cargo on a vehicle, rail wagon, vessel or aircraft; or

(ii) The storage is on a vehicle, rail locomotive, vessel or aircraft and is for the purpose of fuelling that vehicle, rail locomotive, vessel or aircraft; or

(iii) The storage is on a crane, or in or on a conveyor, or in a pipe or hose, that is being used to load or unload a vehicle, rail wagon, vessel, aircraft or storage container; or

(iv) The storage is such that the amount of the hazardous substance stored in any container, or stored in any building, or stored on or in any structure, is less than 1000 litres or less than one cubic metre in volume; or

(v) The production is such that the amount of the hazardous substance produced in any twelve-month period is less than 1000 litres or less than one cubic metre in volume.

(e) the construction of a new road or railway, but not including:

(i) the reconstruction or realignment of an existing road or railway within the hazard zone; or

(ii) the construction of a new road or railway that provides an access route to the Coastal Marine Area.

Notes

1. Hazard Zone 1 is shown on the Coastal Hazard Zone Maps in Volume 3 of this Plan.
2. Paragraph (d) of this rule shall only apply to the following Hazardous Substances:

   pesticides including: herbicides, insecticides and fungicides;

   chlorinated hydrocarbons including: bromodichloromethane, trichloroethene, chlorodibromomethane, 1,1,1 - trichloroethane, tetrachloroethene, trichloromethane, tetrachloromethane and tribromomethane;

   timber preservatives including: copper chromium, arsenic formulations, those using boron, other water-borne preservatives, light organic solvent preservatives and anti-sapstain chemicals;

   petroleum products including: petrol, waste oil, diesel, aircraft fuel, kerosene, heating oil; but not including liquefied petroleum gases; and compounds containing: benzene, xylenes, toluene or ethylbenzene;

   any substance containing one or more of the following chemicals: arsenic, cadmium, chromium, cyanide, lead, mercury, nickel or selenium.

Principal Reason

To prevent new dwellings, new rail lines, new roads and activities that could create hazards from becoming established in the Hazard Zones.

Rule 9.4 Prohibited Activities for which no resource consent shall be granted

The following activities are Prohibited Activities within Hazard Zone 2:

(a) the construction of a landfill or the use of a landfill for the disposal of solid or hazardous waste;

(b) the construction of a new road or railway, but not including:

(i) the reconstruction or realignment of an existing road or railway within the hazard zone; or

(ii) the construction of a new road or railway that provides an access route to the Coastal Marine Area.

Note

Hazard Zone 2 is shown on the Coastal hazard Zone Maps in Volume 3 of this Plan.

Principal Reason

To restrict specific developments in the Hazard Zones which constitute a hazard when erosion reaches the site. To restrict the removal of material from areas subject to coastal erosion.

Rule 9.5 Restricted Discretionary Activity for fuel storage facilities at South Bay

Not withstanding Rule 9.3, the storage of 1000 litres or more of hazardous substances, within the existing underground fuel tanks, in place since 1997, at South Bay in Kaikoura, as shown on Map A, is a discretionary activity for which Environment Canterbury has restricted the exercise of its discretion.

Restriction of Discretion for Rule 9.5

Environment Canterbury restricts its discretion to the following matters when considering an application for a resource consent in accordance with Rule 9.5 of this plan and in imposing conditions in accordance with Section 108 of the Act:

(a) The effectiveness of the proposed measures to maintain the buffer between the fuel tanks and active beach and mitigate the coastal hazards risk to the fuel storage tanks. Effectiveness will be assessed having regard to the initial establishment of mitigation measures and the ongoing management of the site and maintenance of the measures;

(b) The length of term of the consent having regard to (a) above.

Principal Reason

To provide for a departure from the Prohibited Activity Rule for a specified area at South Bay, Kaikoura to allow the continued use of underground fuel tanks.

Rule 9.6 Restricted Discretionary Activity for (Beach Re-nourishment) Measures to Mitigate the Risks to the Fuel Storage Facilities from Coastal Hazards

Not withstanding Rule 9.2, the deposition of any material exceeding 5 cubic metres per 100 square meters of land area for the purpose of maintaining the buffer between the existing fuel tanks and the active beach, within the Kaikoura Marine Facilities Zone at South Bay, as shown on Map A, is a discretionary activity for which Environment Canterbury has restricted the exercise of its discretion.

Restriction of Discretion for Rule 9.6

Environment Canterbury restricts its discretion to the following matters when considering an application for a resource consent in accordance with Rule 9.6 of this plan and in imposing conditions in accordance with Section 108 of the Act:

(a) Whether the activity is likely to exacerbate coastal erosion;

(b) Whether the activity is likely to lead to adverse effects from natural hazards on any other property;

(c) The effectiveness of the proposed measures to maintain the buffer between the fuel tanks and active beach and mitigate the coastal hazards risk to the fuel storage tanks; Effectiveness will be assessed having regard to the initial establishment of mitigation measures and the ongoing management of the site and maintenance of the measures. and:

(d) The potential for the activity to lead to adverse effects on the existing amenity values of South Bay.

Principal Reason

To provide for an exception to Rule 9.2 to allow for limited beach re-nourishment in the area of land fronting the underground fuel tanks at South Bay, Kaikoura

9.4 Environmental Results Anticipated

Implementation of the above policies and methods is expected to have the following environmental results:

(a) Potential costs from coastal hazards (including loss of life and loss of valued natural areas) reduced to a point where any further reduction would be impractical or uneconomic;

(b) Coastal protection works only constructed where the works will not exacerbate the coastal hazard and where potential adverse effects on other property can be avoided, remedied or mitigated, including damage to assets or to important habitats or amenity values, mahinga kai areas, and taonga; and

(c) The actual or potential costs of coastal hazards are not increased by human activity.

9.5 Monitoring

The following indicators should be monitored to assess the suitability and effectiveness of this part of the plan, and any need for it to be reviewed.

(a) Beach profile/morphology;

(b) Effectiveness of hazard warning system;

(c) Trends in compliance with consent conditions;

(d) Changes in erosion rates as they affect the need for damage minimisation measures;

(e) Efficiency of education/promotion programme in changing practices/activities;

(f) The cost of coastal hazards to Canterbury communities and

(g) Results from the coastal monitoring already in existence.

Chapter 11, Monitoring and Review, contains a detailed monitoring programme.

This page is intentionally blank

Part 3 Processes and Monitoring

Chapter 10: Cross-Boundary Processes

10.1 Introduction

The Regional Coastal Environment Plan covers the whole coastline of the Canterbury Region, from the northern boundary of the Kaikoura District to the Waitaki River in the south. The Plan covers the territorial sea out to 12 nautical miles offshore. This is approximately 11620 square kilometres of sea. It also incorporates those parts of the 'coastal environment' within the defined Hazard Zones. The Regional Coastal Environment Plan identifies resource management issues of a regional nature. The plan transcends the administrative boundary of the Coastal Marine Area and seeks to integrate the policies of resource management agencies. As all authorities north and south of the region's coastline will have prepared coastal plans, integration with their plans is important.

Integrated resource management for the coastal environment has two key elements. It ensures:

(a) that resource issues which cross the boundary of the Coastal Marine Area are dealt with by all agencies involved in management of that area; and

(b) that consistent management of resource issues occurs along the entire coast of the region and with adjacent territorial local authorities and between regions.

10.2 Cross-Boundary Issues

The principal cross boundary issues include:

(a) access to the coast, landscape, coastal processes, erosion and control of land use in identified Coastal Hazard Zones for territorial local authorities as well as issues of 'inconsistency' between local and regional plans;

(b) effects on coastal water quality from land areas and for Tangata Whenua, Otago Regional Council and Marlborough District Council; and

(c) the manner in which the partnership role of the Minister of Conservation in relation to the preparation and approval of this plan in conjunction with the Regional Council is expressed.

Bodies involved in the above issues are:

(a) territorial local authorities adjacent to the Coastal Marine Area;

(b) Otago Regional Council and Marlborough District Council with contiguous boundaries;

(c) the Minister of Conservation who has a role in the Coastal Marine Area and the coastal environment;

(d) Ngai Tahu;

(e) other Ministers of the Crown with functions in the Coastal Marine Area;

(f) commercial organisations in the Coastal Marine Area; and

(g) other agencies such as Conservation Boards and non-governmental organisations.

10.3 Processes to be used to deal with Cross-Boundary Issues

These processes are described below:

Territorial Local Authorities

There are a range of coastal issues which have importance for territorial local authorities. Some erosion prone areas have considerable public investment located adjacent to the coast, others have significant access issues and are of high natural value. It is important that the issues of this Plan are reflected in the objectives, policies and methods of District Plans and also that this Plan incorporates, where possible, District requirements.

On-going liaison with territorial local authorities will be maintained in relation to cross boundary issues for the coastal environment including in particular:

(a) discussions and submissions on the content of District Plans to ensure the development of complementary policies;

(b) discussions on development proposals, resource consents and coastal permits;

(c) joint hearings for resource consent applications which cross the Coastal Marine Area boundary;

(d) mechanisms to maintain and enhance the natural character, access and tourist and visitor potential of the coastal environment. These mechanisms may include information transfer, joint research, and monitoring; and

(e) Transfer of powers in appropriate situations, for example where there is an overlap of authority between the Region and Districts.

Marlborough District Council (a Unitary Authority) and Otago Regional Council

Both of these authorities are preparing Regional Coastal Plans which deal with issues similar to those facing this regional council. Regular meetings are being held with the Otago Regional Council and documents are regularly exchanged. Discussions have also taken place with Marlborough District Council. Cross boundary issues such as water quality will require:

(a) discussions with the adjacent authorities as their plans are being prepared;

(b) submissions, if necessary on their Plan documents; and

(c) discussions on any developments crossing the boundaries or having cross boundary environmental effects.

The Minister and Department of Conservation

The Minister's key role in approving the Coastal Marine Area segments of this Plan means that co-operation at a conservancy and regional level is essential. The planning strategies of both parties need to be considered in statutory plan making. For instance, the Conservation Management Strategy of the Department of Conservation needs to be considered in the preparation of this Plan. Legal mechanisms are in place to ensure consultation on coastal permits and resource consent applications:

(a) *"A Regional Council that receives an application for a resource consent for an activity that will occur in the Coastal Marine Area shall forward a copy of the application to the Minister of Conservation."* (Section 90(2) of the Act); and

This involvement and consultation will take the form of:

(a) direct Department of Conservation involvement in carrying out some of the methods of this Plan; and

(b) a regular series of workshops on coastal planning issues to be held from notification of the plan, up to and beyond the time of approval of the Minister.

The Role of the Minister in Coastal Tendering

The Minister of Conservation has a key role in coastal tendering. This is an administrative process outlined in the Act to resolve conflict over space in the Coastal Marine Area. The Governor-General may, by Order in Council, on advice from the Minister of Conservation, direct that the Regional Council shall not grant a coastal permit in a particular area, within the Coastal Marine Area, for any of the following activities:

(a) occupation of foreshore or seabed for any period exceeding 6 months;

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

(c) reclamation or drainage of foreshore or seabed;

unless the applicant for the coastal permit has obtained an authorisation stating they have the Minister's permission to carry out these activities.

To obtain an authorisation an applicant must submit a tender to the Minister specifying the range of activities proposed and the payment to be offered to the Crown for the privilege of undertaking those activities. Additional requirements for the tender are given in Section 158 of the Act.

The Minister of Conservation may implement the tendering process where it is considered that there is, or is likely to be, competing demands for the use of an area and it is appropriate to do so having regard to the Crown's interest in the Coastal Marine Area.

Tangata Whenua

Individual iwi have territorial concerns over particular areas and tribal rohe extend beyond this Region's administrative boundaries. Tangata Whenua have their own boundaries and will decide for themselves the authority of individual runanga and the extent of their rohe. Provision for the relationship of Tangata Whenua with resources is made in the Regional Policy Statement, and this is discussed in Chapter 4.

Crown Agencies (such as Ministries of Agriculture & Fisheries, and Maritime Safety Authority), and Port Companies

Where government agencies and commercial organisations have strong involvement in the Coastal Marine Area the Regional Council will maintain regular liaison on matters of common interest. In particular, the role of Ministry of Fisheries in marine farming and the management and conservation of fisheries, as well as an information resource requires close co-operation.

This page is intentionally blank

Chapter 11: Monitoring and Review

11.1 Monitoring Procedure

The procedures to be used to review the content of this Plan and to monitor the effectiveness of the Plan as a means of achieving its objectives and policies are outlined below. The results of these monitoring programmes will be reported regularly to the Regional Council. These reports will include analyses of the effectiveness of this Plan's measures in achieving objectives and policies.

To meet the Act's environmental and policy effectiveness monitoring requirements, relevant to this Regional Plan, the Regional Council will carry out two types of monitoring:

1. monitoring the environment to assess whether specific anticipated environmental results are achieved; and
2. compliance monitoring of resource consents and permitted activities to ensure compliance with conditions.

11.2 Monitoring Anticipated Environmental Results

The following tables outline the environmental monitoring the Canterbury Regional Council will undertake in order to assess whether anticipated environmental results are achieved. One or more of the environmental indicators may be used to monitor any particular anticipated environmental result.

Monitoring techniques to be applied to all areas will include sponsoring a coastal research group of interested and involved persons, including Ngai Tahu and agencies in the Region to share information and identify ongoing studies and potential contributions to monitoring.

Table 11.1 Natural Character and Appropriate use of the coastal environment: Anticipated Environmental Results and Associated Environmental Monitoring and Reporting

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
(a) Protection of outstanding natural landscapes/ seascapes	Compliance with consent conditions related to impact on natural character.	Review activities undertaken as a result of all consents within and adjacent to the CMA.	Annually	Annually
	State of landscapes/ seascapes of regional or national significance.	Council/Minister of Conservation /Environment Court decisions on coastal permits.	Annually	Annually
		Surveys of persons for their perceptions of landscape protection and development impacts.	Five yearly	Five yearly
		Photographic record and entry on GIS database.	Five yearly	Five yearly

Table 11.1 continued

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
(b) Recognition, protection and enhancement of the life supporting capacity of coastal ecosystems.	The health and diversity of coastal ecosystems.	Surveys of aquatic flora and fauna in the Estuary of the Heathcote and Avon Rivers, Lyttelton and Akaroa Harbours, and other representative sites on the Kaikoura coast, Pegasus Bay, Banks Peninsula outer bays, and Canterbury Bight.	Five yearly per site Indicator organisms at least 12 times per year.	Five yearly per site Annually
	Concentration of contaminants.	Monitoring of Estuary of the Heathcote and Avon Rivers, Caroline Bay, and Lyttelton, Timaru and Akaroa Harbours for nutrients, indicator micro-organisms, and other contaminants.	Nutrients at least 12 times per year, every five years. Other contaminants as listed in Schedule 4 at least every ten years.	Five yearly Ten yearly
	The quality of gathered food.	Coordination with Crown Health Enterprise monitoring of food gathered from the sea.	Annually	Annually
(c) Protection of areas of significance to Tangata Whenua	Adverse effects on areas of significance to Tangata Whenua.	Liaison with Ngai Tahu. Compliance monitoring, Water quality monitoring, and Response to complaints/ issues raised.	Annually Annually	Annually Annually

Table 11.1 continued

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
(d) Protection of areas of significant amenity, recreational and heritage value	Changes to the natural character of the coastal environment.	Surveys of natural character and liaison with appropriate organisations including territorial local authorities.	Annually	Annually
(e) Commercial activities located in appropriate areas of the coastal environment and significant port and network utility infrastructure protected and	Changes to significant amenity, recreational and heritage values, and commercial use of the coastal environment	Review activities undertaken as a result of all consents within and adjacent to the CMA.	Annually	Annually
(f) Preservation of natural character of the coastal environment	Consent compliance		Annually	Annually

Table 11.2 Coastal Water Quality: Anticipated Environmental Results and Associated Environmental Monitoring and Reporting

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
a) People are able to use some presently low water quality areas that have significant value as aquatic ecosystems or shellfish gathering or for water contact recreation without risks to their health from the quality of the water.	The quality of gathered food.	Co-ordination with Crown Health Enterprise and Tangata Whenua regarding monitoring of food gathered from the sea.	Annually	Annually
	The incidence of potentially water-borne illness; suitability of waters for contact recreation.	Co-ordinate with Crown Health Enterprise on monitoring of contact recreation waters	Annually	Annually
	The health of ecosystems	Surveys of combinations of sites listed as Coastal CR in Schedule 4.3.	Indicator organisms at least 12 times per year.	Annually
		As in b)	As in b)	As in b)
b) Significant adverse effects on habitats, feeding grounds or ecosystems are avoided.	The health of ecosystems.	Surveys of aquatic flora and fauna from Kaikoura to Pegasus Bay, in the Estuary of the Heathcote and Avon Rivers/Ihutai, the outer Bays of Banks Peninsula, Lyttelton Harbour/ Whakaraupo, Akaroa Harbour, the Canterbury Bight, and Timaru Harbour.	Five yearly	Five yearly
			Nutrients at least 12 times per year, every five years.	Five yearly
	Sea lettuce growth	Survey Estuary of the Heathcote and Avon Rivers/Ihutai	Monthly from October to March	Five yearly

Table 11.2 continued

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
(b) continued	Concentration of contaminants.	Surveys in all areas with water quality classes	Nutrients as above Other contaminants as listed in the water quality classes at least every ten years	Ten yearly Ten yearly
c) Improvement in the quality of water within the Coastal Marine Area where it is currently degraded by point and non-point source discharges.	Stakeholder and interested parties perspectives on any changes in the uses and values. As in b)	Survey of stakeholder and interested parties perspectives. As in b)	Five yearly intervals As in b)	Five yearly As in b)
d) Areas of mahinga kai and water values of significance to Tangata Whenua safeguarded, and where appropriate enhanced: and e) Wahi tapu and wahi taonga protected.	The quality of gathered food. (As in a) above.) Tangata Whenua perspectives on mahinga kai, wahi tapu and wahi taonga of value to Tangata Whenua. (as in a) above.)	Co-ordination with Crown Health Enterprise monitoring of food gathered from the sea. Liaison with Ngai Tahu.	Annually Annually	Annually Annually

Table 11.3 Activities and Occupation in the Coastal Marine Area: anticipated environmental results and associated environmental monitoring and reporting

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
a) The adverse effects of conflicts over the use of water space avoided or mitigated	Reports of incidents and complaints Degree of use conflict experienced.	Maintenance of ranger/warden service, liaison with the Waimakariri Harbour Authority concerning the lower Waimakariri River and receipt of reports from them and the public. Survey of users of the coastal environment.	Annually Three yearly	Annually Three yearly
b) The nuisances from noise and damage from vessel or vehicle operation in the Coastal Marine Area avoided or mitigated	As above but including compliance with Harbour Bylaws.	As above but including actions taken under Harbour Bylaws.	Annually and as required	Annually
c)The adverse effects of foreshore and seabed disturbance avoided or mitigated	Water quality consent compliance. Coastal processes Reports of environmental disturbance.	Water quality monitoring Rates of coastal erosion. Beach profiles In response to reports.	Water quality monitoring Ongoing but at least annually As required	Five yearly Annually Annually

Table 11.3 continued

Anticipated Environmental Result	Environmental Indicators	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting Frequency
d) Tangata Whenua, cultural, heritage and amenity values and the natural character of the coastal environment protected.	Water quality. Ecosystem health. Consent compliance. Reports of incidents and damage to values and areas supplied by Tangata Whenua and the public.	Water quality monitoring Response to reports.	Water quality monitoring As required	Annually Annually
e) The adverse effects of sporadic and cumulative development in the Coastal Marine Area avoided and developments located in areas where the natural character has already been compromised.	Operation of rules. Consent compliance.	Council/Minister of Conservation / Environment Court Decisions on coastal permits.	Annually	Annually
f) The adverse effects on the environment of the operation of the Ports of Lyttelton and Timaru and network utility services are avoided remedied or mitigated, while the services are able to be operated and developed efficiently and effectively	Operation of rules & Consent compliance	Council/Minister of Conservation / Environment Court Decisions on coastal permits.	Annually	Annually

Table 11.4 Coastal Hazards Anticipated Environmental Results and Associated Environmental Monitoring and Reporting

Anticipated environmental result	Environmental indicator(s)	Method of monitoring/ investigation	Frequency of monitoring/ investigation	Reporting
(a) Potential costs from coastal hazards (including loss of life and loss of valued natural areas) reduced to a point where any further reduction would be impractical or uneconomic.	New use and development located away from identified hazardous locations.	Rates of coastal erosion. Beach profiles etc.	Ongoing but at least annually.	Five yearly
	Performance of natural and artificial hazard defence systems. Loss of assets.	Impacts of specific hazard incidents.	As required	Annually
		Review of costs incurred by public and private groups through Annual Plans and published reports.	Ongoing but at least annually.	Annually
		Review methods for asset protection/ relocation and rates of damage or loss of assets.	Ongoing and after particular hazard incidents.	Annually
(b) Coastal protection works only constructed where the works will not exacerbate the coastal hazard and where potential adverse effects on other property can be avoided, remedied or mitigated, including damage to assets or to important habitats or amenity values, mahinga kai areas, and taonga	Effects of protection works.	Coastal hazard monitoring system.	Ongoing but at least annually.	Annually
	Environmental information provided for proposed works.	Assessment of potential adverse effects of proposed works	As required from coastal consents and works in coastal hazard zones	Annually
		Consent compliance, including long term effects.	As required	Annually
(c) The actual or potential costs of coastal hazards are not increased by human activity	Effect of structures.	Assessment of potential adverse effects of proposed works and consent compliance, including long term effects	As required from coastal consents and works in coastal hazard zones.	Annually

Table 11.5 Compliance monitoring

The following table sets out the compliance monitoring that the Regional Council will undertake to ensure that activities comply with legal requirements.

Type of authorisation	Method of monitoring	Frequency of monitoring	Reporting
All coastal permits	Dependent on the type of condition, but at least one site inspection. For permits which have a larger impact, the permit holder can be required to provide monitoring information as a condition.	One site inspection after permits have been granted. For larger scale impacts of a longer duration inspections will be determined at the time the consent is granted.	Annually in Compliance Monitoring Report

11.3 Review Procedure

The Resource Management Act 1991 states that any plan should be reviewed if necessary before the expiry of 10 years. However it is considered that this Plan should be subject to an initial review at a shorter interval in order to:

1. ensure that the Regional Coastal Environment Plan reflects change and greater knowledge about the management of the coastal environment; and
2. align the Regional Coastal Environment Plan with legislative change and other Regional and District Plans.

The monitoring procedures outlined above may indicate the need for an earlier formal review of the Plan.

In the event of an early review, or at the time of the ten yearly review, a formal report to the Regional Council will assess the need for the Plan to change and recommend any changes required.

Other circumstances where a Review or Change can be undertaken

No plan need be changed within two years of it coming into force but, after this period, any person may propose a change to a regional plan. The procedure for this is set out in the First Schedule to the Resource Management Act.

This page is intentionally blank

Chapter 12: Making Applications and Providing Information

12.1 Form of Application

Applications for a coastal permit, if the site falls within the Coastal Marine Area, or a land use consent if in the Hazard Zones, must be made in accordance with the procedures and forms contained in the Resource Management Act 1991 and regulations. Forms are available from the Canterbury Regional Council offices at Christchurch, Kaikoura and Timaru.

12.2 Information to be Provided

Information that must be provided with an application for a resource consent is set out in Section 88 and the Fourth Schedule of the Act (reproduced in Appendix 2). In particular an application must include an assessment of the actual or potential effects that the proposed activity may have on the environment and the ways in which any adverse effects can be mitigated.

The Council may request additional details. This can occur if it is felt that such information is necessary to understand the proposal, its environmental effects and the ways of mitigating them. The circumstances under which a Council may request further information are set out in Section 92 of the Act (reproduced in Appendix 2).

The information to accompany an application "*shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment"* (Section 88(6)(a)). In other words, if the environmental effects are likely to be minor, either because the activity is of a minor nature or involves little disruption, then less detail will be required.

Information on the following matters, amongst other things, should form part of a resource consent application where that would be appropriate to the scale and type of activity proposed.

(1) Description of the activity proposed

(a) A description of the activity.

(b) Extent and location of the activity including land tenure and title.

(c) Term of operation of the activity.

(d) Need to locate the activity in this area and alternative locations considered (especially if located in the Coastal Hazard Zones).

(e) Design, construction, maintenance and operation of the activity (i.e. demonstrate that the activity and any structures associated with it can be safely carried out in a hostile coastal environment).

(f) Any land based facilities and services that are associated with the activity.

(g) Waste treatment and disposal methods to be employed.

(h) Methods to store, handle, transport, use and dispose of chemicals, fuels or toxic materials.

(2) Assessment of effects

(a) Any effects on navigation and safety.

(b) Marine habitat, including all plants and animals in the vicinity and the ability of such habitat to adjust to the effects without great harm.

(c) Coastal processes operating in the area, including current, tides, erosion, the accumulation or removal of sediments (mud, sand gravel, etc).

(d) Existing water quality in the area.

(e) Assess not only the short-term effects of the proposal, but also the long term effects over the operating life of the activity.

(f) Effects on areas of historic, cultural, archaeological, scientific or conservation significance and the values associated with these.

(g) Any displacement of other users of the Coastal Marine Area which will arise from the proposal including the ability of the public to obtain access to the area

(h) The type, content and volume of any discharge to the Coastal Marine Area.

(i) The form and type of treatment of the discharge, if any.

(j) Volumes and types of material and the areas involved in both extraction and deposition.

(k) The type and constituents of any fill material to be used in reclamations, impoundments, and solid structures.

(3) Mitigation of effects

(a) Measures to be undertaken to avoid remedy or mitigate these effects.

(b) Methods to deal with nuisance arising from noise, dust, glare, light or smell.

(c) Procedures for the removal of structures and the restoration of the area in the event of failure or at the end of their operational life.

(d) Monitoring methods used to assess the effects of the development over the term of its operation.

(e) Proposed financial contributions in the form of money, works, services or any combination of these, to restore or offset any damage to or loss of, any natural or physical resources.

In relation to a resource consent application within the Coastal Marine Area of the Banks Peninsula, an applicant will be required to show evidence of consultation with the Ministry of Agriculture and Fisheries relating to the impact of the applicant's proposal on the suitability of the area for marine farming.

The fourth schedule of the Act states that an assessment of effects on the environment should include: "*An identification of persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted*." Such affected persons may include a port company, the Tangata Whenua or the Department of Conservation.

The applicant should list any resource consents required from other authorities and whether or not these have been applied for. This will help the Council to determine whether a joint hearing should be held if required.

12.3 Coastal Permits to Dump Waste or Other Matter

The Resource Management (Marine Pollution) Regulations 1998 deem there to be a rule in this Plan controlling dumping of listed substances as a discretionary activity. Part I of Schedule 3 of the Regulations specifies particular matters that must be included in any application to dump waste or other matter in the Coastal Marine Area. Applicants for coastal permits to dump waste or other matter should refer to these Regulations, which are annexed to this Plan.

Schedule 1 Listing of Areas of Significant Natural Value[14]

These areas are shown on the Planning Maps in Volume 2.

Site Name	Site No's	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Clarence River Mouth	10-113		*		*	*		*	
Waipapa to Irongate	10-114	*	*		*	*	*	*	*
Kaikoura Peninsula	10-116	*	*		*	*	*	*	*
South Bay to Peketa	10-115		*		*	*		*	*
Kahutara River to Oaro	10-119	*	*		*	*	*	*	*
Oaro to Haumuri Bluffs	10-120				*	*			*
Whale, Dolphin & Hutton's Shearwater area	10-118	*			*	*	*		
Conway River Mouth Lagoons	10-121	*	*	*	*	*		*	
Waiau River mouth/Shag Rock Coastline	12-001	*	*	*	*	*			
Napenape	12-002		*		*	*			
Motunau Island	12-003		*		*	*		*	
Motunau Cliffs and River mouth	12-004		*		*	*			*
Ashley River /Rakahuri - Saltwater Creek Estuary	12-005	*	*	*	*	*		*	*
Waimakariri River mouth & Brooklands Lagoon	12-006	*	*	*	*	*			
Estuary of the Heathcote and Avon Rivers /Ihutai	12-007	*	*	*	*	*			
Scarborough Cliffs & Godley Head	12-008		*		*	*	*		

[14] The star (*) system used indicates whether a particular value occurs in that area.

Site Name	Site No's	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Lyttelton Harbour /Whakaraupo Tidal Flats	12-009	*	*	*	*	*	*	*	
Ripapa Island	12-010	*	*			*	*	*	*
Okains Bay Estuary	12-011		*	*		*	*		
Pa Island to Ducksfoot Bay	12-012	*		*	*	*	*	*	
Crown Island Coast	12-013		*		*	*	*		
Stony Bay	12-014		*		*	*	*		
Redcliffe Nook to Damons Bay	12-015		*		*	*	*		
Nikau Palm Gully to Akaroa	12-016		*		*	*	*		
Akaroa Harbour Tidal Flats	12-017	*	*	*	*	*	*		
Onawe Peninsula	12-018	*	*		*	*	*	*	*
Scenery Nook	12-019		*		*	*	*		*
Kaitorete	12-020	*	*		*	*	*	*	*
Coopers Lagoon /Muriwai coastline	12-021	*	*		*				
Rakaia River Mouth	12-022	*	*		*	*	*	*	
Ashburton River /Hakatere Mouth	12-023	*			*	*			*
Orari River Mouth & Lagoons	12-024	*	*	*	*	*			
Opihi River Mouth & Lagoons	12-025	*	*	*	*	*			
Washdyke (Waitarakao) coastline	12-026	*	*		*	*			
Patiti Point to Tuhawaiki Point	12-027	*			*	*			
Wainono to Waihao River Mouth	12-028	*	*	*	*	*		*	
Waitaki River Mouth	12-029	*	*	*	*	*		*	

Schedule 2 Identified Areas of High Natural, Physical, Heritage or Cultural Value[15]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Conway River mouth		*		*	*	*			
Conway Flat								*	
Waiau River Mouth			*	*	*				
Waiau River Mouth to Shag Rock	*	*	*		*		*	*	*
Jed River		*							
Point Gibson and Port Robinson								*	
Manuka Bay				*					
Hurunui River Mouth					*	*			*
Napenape	*		*		*	*	*	*	*
Motunau River Mouth and Motunau Beach	*	*	*	*	*			*	
Motunau Island	*	*	*		*	*		*	

[15] **These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.**

Schedule 2 continued[16]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Glenafric								*	
Waipara River Mouth		*		*	*	*			
Amberley Beach (Waipara River to Kowai River)		*		*	*				
Leithfield Beach				*	*	*			*
Ashley River/ Rakahuri and Saltwater Creek Estuary	*	*		*	*	*	*	*	*
Waikuku to Pines Beach		*	*						
Waimakariri River Mouth and Brooklands Lagoon	*	*	*	*	*	*	*	*	
Christchurch Foreshore		*					*		
Estuary of the Heathcote and Avon Rivers /Ihutai and Base of South Brighton Spit	*	*	*	*	*	*	*	*	*
Sumner Head to Godley Head	*	*	*		*		*	*	

[16] **These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.**

Schedule 2 continued[17]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Banks Peninsula Marine Mammal Sanctuary	*		*		*	*			
Sumner Beach					*	*			
Quail and King Billy Islands		*	*				*	*	*
Ripapa Island	*	*				*	*	*	
Pile Bay						*			
Kamautarua (Shag Reef)		*							
Camp Bay to Adderley Head			*		*		*	*	*
Horormaka Island, Port Levy / Koukourarata		*							
Akiraho			*						
Decanter Bay			*		*		*	*	
Raupo Bay			*		*		*	*	
West Head and North West Bay			*		*		*		

[17] **These areas involve values that may be present inland of the Coastal Marine Area.**
The star (*) system used indicates that a particular value occurs in the area.

Schedule 2 continued[18]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Okains Bay Estuary	*		*	*		*			
Pa Island to Ducksfoot Bay	*	*	*		*	*	*		
Lavericks Bay					*	*			
Katawa Head					*				
Le Bons Bay					*	*		*	
Steep Head to Putakolo Head			*		*		*		
Holmes Bay (Pigeon Bay)		*						*	*
Whisky Cove (Pigeon Bay)									*
Hikory Bay			*		*	*	*		
Crown Island Coast	*		*		*	*	*		*
Goughs Bay			*		*	*		*	
Fishermans Bay: Goat Point to Red Bluff			*		*	(*)	*		
Pompeys Pillar					*		*		

[18] **These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.**

Schedule 2 continued[19]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Otanerito Bay					*	*	*		
Sleepy Bay			*		*		*	*	
Stony Bay	*		*		*	*	*	*	
Redcliff Nook	*		*		*		*		
Island Nook	*		*		*	*	*		*
Flea Bay Cliffs	*		*		*	*	*		*
Dyke Head to Damons Bay	*		*		*	*	*		*
Damons Bay	*				*	*		*	
The Amphitheatre								*	
Akaroa Head	*		*		*		*		*
Nikau	*		*		*	*	*		
The Kaik (Onuku)		*			*	*			
Redhouse Bay to Red Point								*	

[19] **These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.**

Schedule 2 continued[20]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Ngaio Point			*						
Akaroa Harbour Mud Flats	*	*	*	*	*	*			
Duvauchelle Bay		*	*	*	*	*			
Onawe Peninsula	*	*	*			*		*	*
Tikao Bay		*							
Mat White Bay			*		*				
Scenery Nook	*		*		*	*	*		*
Whakamoa Reef					*	*			
Left Head of Island Bay					*	*	*		
Long Bay					*	*	*		
Snuffle Nose, Horseshoe Bay					*		*		
Robin Hood Bay			*		*				
Tumbledown Bay			*		*	*	*	*	*

[20] **These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.**

Schedule 2 continued[21]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Peraki Bay					*		*	*	
Kaitorete Spit	*	*				*		*	*
Coopers Lagoon /Muriwai	*		*		*				
Rakaia River Mouth	*	*		*	*	*		*	
Ashburton River /Hakatere Mouth	*			*	*	*			
Hinds River Mouth				*	*	*			
Wairuna Lagoon				*					
Rangitata River Mouth		*		*	*	*			
Orari River Mouth and Lagoons	*	*		*	*	*			
Opihi River Mouth and Lagoon	*	*		*	*	*			*
Prattley Road Lagoon				*					
Horseshoe Lagoon				*					
Beach Road Lagoon				*				*	

[21] **These areas involve values that may be present inland of the Coastal Marine Area.**
The star (*) system used indicates that a particular value occurs in the area.

Schedule 2 continued[22]

Site Name	Areas Adjacent to Areas of Significant Conservation Value	Maori Cultural Values	Protected Areas	Wetland, Estuaries, and Coastal lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna habitats	Scenic Sites	Historic Places	Coastal landforms and associated processes
Spider Lagoon				*					
Seafortin Beach								*	
Washdyke (Waitarakao)Lagoon	*	*	*	*					
Smithfield Reef		*	*			*			
Caroline Bay			*		*	*		*	
Patiti Point to Tuhawaiki Point	*	*	*			*	*	*	
Pig Hunting Creek				*	*	*		*	
Parerora River Mouth				*	*	*		*	
Otaio River Mouth					*				
Wainono	*		*	*					
Waihao River Mouth and Beach	*	*	*	*	*	*			
Waitaki River Mouth	*	*		*	*	*	*		
Lyttelton Harbour /Whakaraupo Mudflats	*	*	*	*	*	*	*		*

[22] These areas involve values that may be present inland of the Coastal Marine Area. The star (*) system used indicates that a particular value occurs in the area.

Schedule 3 Identified Areas of Value to Tangata Whenua

Silent File No.	Page No.	Series No.	Location
013	5-78 A	M 35 C	North of Woodend Beach
022	5 - 78 E	N 37 B	Around Timitimu Head, Akaroa Harbour
023	5 - 78 F	N 36 H	Petit Carenage Bay, Akaroa Harbour
024	5 - 78 F	N 36 H	Tikao Bay, Akaroa Harbour
025	5 - 78 F	N 36 H	Onawe Peninsula, Akaroa Harbour
026	5-78 F	N 36 H	Duvauchelle Bay, Akaroa Harbour
027	5 - 78 F	N 36 H	Takamatua, Akaroa Harbour
028	5 - 78 F	N 36 H	French Bay, Akaroa Harbour
029	5 - 78 G	M 37 C	Ohahoa Bay, Banks Peninsula
034	5 - 78 G	M 37 C	Ohahoa Bay, Banks Peninsula
030	5 - 78 H	M 36 C	Governors Bay, Lyttelton Harbour/Whakaraupo
031	5 - 78 H	M 36 C	Rapaki Bay, Lyttelton Harbour/Whakaraupo
032	5 - 78 I	N 36 A	Adderley Head, Port Levy
036	5 - 78 K	J 40 F	near Willowbridge

Page No. refers to the page in Te Whakatu Kaupapa, Series No. refers to the Historic Places Trust Inventory Series number.

Additional Areas Identified as Having Particular Tangata Whenua Values by the Department of Conservation

Site	Department of Conservation Reference No.	Identified Tangata Whenua Values in or adjacent to the area.	Coastline Location/European Name
Kekerengu	10.00	Mahinga Kai Battle sites Urupa Pingao	Willawa Point south to Washdyke Stream, (Aprox. 10 km north of the Clarence River.)
Hapuku	10.02.1	Pa Occupation (2) Kai Moana Urupa	Rakautara Stream to Harnetts Creek (Aprox. 5 km north of Kaikoura)
Lyell	10.02.2	Wahi taonga	Harnetts Creek to Lyell Creek (Kaikoura)
Hurunui	12.001.1	Urupa Papa Kaianga Mahinga Kai Camp Sites	Gore Bay to the Hurunui River
Taukahara	12.008.2	Maori Reserve Urupa Rahui	North Eastern Lyttelton Harbour/Whakaraupo from Rapaki to the headland south of the Governors Bay Jetty.
Otamahua	12.009.1	Mahinga Kai	Quail Island
Purau	12.009.2	Mahinga Kai	Purau Bay
Hinds River mouth	12.023.1	Mahinga Kai	Aprox. 3 km both north and south of the Hinds River mouth
Rangitata	12.023.2	Settlement WahiTapu Mahinga Kai	Aprox. 4 km north and 2 km south of the Rangitata River mouth
Pareora	12.027.1	Mahinga Kai Raupo	Aprox. 1 km both north and south of the Pareora River mouth

Schedule 4 Classes of Coastal Waters and Minimum Standards of Water Quality

Water Quality Classes

(a) Specified areas of coastal waters within the Canterbury Region are to be managed in accordance with the following classes:

  (i) Class Coastal AE waters (being water managed for the maintenance of aquatic ecosystems).

  (ii) Class Coastal CR waters (being water managed for contact recreation and the maintenance of aquatic ecosystems).

  (iii) Class Coastal SG waters (being water managed for shellfish gathering, contact recreation and the maintenance of aquatic ecosystems).

(b) The minimum standards of water quality applying to each class, and the areas specified as Classes Coastal AE, Coastal CR and Coastal SG are specified below. The specified areas are defined in Schedule 5.

(c) The minimum water quality standards applying to the relevant water quality class shall be observed.

(d) The minimum standards of water quality referred to in this rule shall affect, under sections 128 and 130 of the Resource Management Act, the exercise of existing coastal permits for discharges which either on their own or in conjunction with other discharges, cause the standards to be breached.

(e) Where a proposed or existing discharge does not comply with or is unlikely to comply with the standards referred to in this rule, Policy 7.4 shall apply.

(f) The minimum standards of water quality referred to in this rule shall apply in addition to the requirements of section 107 of the Resource Management Act 1991.

(g) The water quality standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the receiving water.

(h) Except where provided for by Policy 7.4, the Regional Council when granting coastal permits to discharge, will include conditions requiring that the minimum water quality standards prescribed in this rule, shall be met by the consent holder and may, where appropriate, impose more specific and/or more stringent standards.

Areas Specified as having Class Coastal AE Water

The water quality Class Coastal AE Water and associated water quality standards apply to the coastal waters within the following parts of the Coastal Marine Area defined in Schedule 5 and shown on the Planning Maps in Volume 2 as “Class Coastal AE”:

“Avon River /Otakaro Mouth”;

“Heathcote River Mouth”;

“The Operational Area of the Port of Lyttelton”;

“North of Timaru”;

“The Operational Area of the Port of Timaru”;

“Pareora Beach”.

Water Quality Standards for Class Coastal AE Water

(1) The concentration of dissolved oxygen shall not be reduced to less than 80% of saturation concentration as a result of any discharge of a contaminant or water.

(2) Other than in the Operational Area of a Port, bacterial or fungal slime growth shall not be visible to the naked eye as plumose growths or mats as a result of any discharge of a contaminant or water.

(3) The natural temperature of the water shall not be changed by more then 3° Celsius, and shall not exceed 25° Celsius at any time, as a result of any discharge of a contaminant or water.

(4) Other than in the Operational Area of a Port, the BOD_5 of the receiving water measured after filtration through a GF/C filter shall not exceed 2 g per cubic metre as a result of any discharge of a contaminant or water.

(5) Other than in the Operational Area of a Port, concentrations of the dissolved fractions of the following metals, measured after filtering a sample through an acid-washed 0.45 micron filter, shall not exceed the concentrations set out below as the result of any discharge of a contaminant or water:

Arsenic	50 mg per cubic metre
Cadmium	2 mg per cubic metre
Chromium	50 mg per cubic metre
Copper	5 mg per cubic metre
Lead	5 mg per cubic metre
Nickel	15 mg per cubic metre
Zinc	50 mg per cubic metre

(6) In the Operational Area of a Port, there shall be no significant adverse effects on aquatic life or any significant loss of indigenous biological diversity.

Areas Specified as having Class Coastal CR Water

The water quality Class Coastal CR Water and associated water quality standards apply to the coastal waters within the following parts of the Coastal Marine Area defined in Schedule 5 and shown on the Planning Maps in Volume 2 as “Class Coastal CR”:

“Kaikoura”;

“Ashley River /Rakahuri /Saltwater Creek and adjacent coastal waters”;

“Waimakariri River mouth, Brooklands Lagoon and adjacent coastal waters”;

“Estuary of the Heathcote and Avon Rivers/Ihutai”;

“Lyttelton Harbour /Whakaraupo (West)”;

“Childrens Bay”;

“Takamatua Bay”;

“Robinsons Bay”;

“Duvauchelle Bay”;

“Barrys Bay and French Farm Bay”;

“Ashburton River /Hakatere mouth and adjacent coastal waters”;

“Opihi River mouth and adjacent coastal waters”;

"Washdyke and Caroline Bay";

"Patiti Point Coast";

"Normanby Beach".

Water Quality Standards for Class Coastal CR Water

(1) Between 1 November in any year and 31 March in the following year, all running medians of concentrations of enterococci from any series of five consecutive samples collected at intervals of between five and nine days shall not exceed 35 colony-forming units per 100 millilitres of water as a result of any discharge of a contaminant or water, with no single sample exceeding 277 colony-forming units per 100 millilitres of water.

(2) The concentration of dissolved oxygen shall not be reduced to less than 80% of saturation concentration as a result of any discharge of a contaminant or water

(3) Bacterial or fungal slime growth shall not be visible to the naked eye as plumose growths or mats as a result of any discharge of a contaminant or water.

(4) The natural temperature of the water shall not be changed by more then 30 Celsius, and shall not exceed 250 Celsius at any time, as a result of any discharge of a contaminant or water.

(5) The BOD5 of the receiving water measured after filtration through a GF/C filter shall not exceed 2 g per cubic metre as a result of any discharge of a contaminant or water.

(6) Concentrations of the dissolved fractions of the following metals, measured after filtering a sample through an acid-washed 0.45 micron filter, shall not exceed the concentrations set out below as the result of any discharge of a contaminant or water:

Arsenic	50 mg per cubic metre
Cadmium	2 mg per cubic metre
Chromium	50 mg per cubic metre
Copper	5 mg per cubic metre
Lead	5 mg per cubic metre
Nickel	15 mg per cubic metre
Zinc	50 mg per cubic metre

Areas Specified as having Class Coastal SG Water

The water quality Class Coastal SG Water and associated water quality standards apply to the coastal waters within the following parts of the Coastal Marine Area defined in Schedule 5 and shown on the Planning Maps in Volume 2 as "Class Coastal SG":

"Rapaki";

"Outer Eastern Lyttelton Harbour /Whakaraupo";

"Port Levy/Koukourarata";

"Pigeon Bay";

"Little Akaloa Bay";

"Okains Bay";

"Le Bons Bay";

"Akaroa Harbour";

"South of Timaru".

Water Quality Standards for Class Coastal SG Water

(1) The median faecal coliform concentration of not less than five samples taken within any consecutive 30 day period, shall not exceed 14 colony-forming units per 100 ml, and no more than 10% of samples taken within any consecutive 30 day period shall exceed 43 colony-forming units per 100 ml as a result of any discharge of a contaminant or water. Samples shall not be taken on the same or consecutive days.

(2) The concentration of dissolved oxygen shall not be reduced to less than 80% of saturation concentration as a result of any discharge of a contaminant or water.

(3) Bacterial or fungal slime growth shall not be visible to the naked eye as plumose growths or mats as a result of any discharge of a contaminant or water.

(4) The natural temperature of the water shall not be changed by more then 30 Celsius, and shall not exceed 250 Celsius at any time, as a result of any discharge of a contaminant or water.

(5) The BOD5 of the receiving water measured after filtration through a GF/C filter shall not exceed 2 g per cubic metre as a result of any discharge of a contaminant or water.

(6) Concentrations of the dissolved fractions of the following metals, measured after filtering a sample through an acid-washed 0.45 micron filter, shall not exceed the concentrations set out below as the result of any discharge of a contaminant or water:

Arsenic	50 mg per cubic metre
Cadmium	2 mg per cubic metre
Chromium	50 mg per cubic metre
Copper	5 mg per cubic metre
Lead	5 mg per cubic metre
Nickel	15 mg per cubic metre
Zinc	50 mg per cubic metre

Schedule 5 Definitions of Areas and Sites

S5.1 Introduction

This Schedule defines areas and sites that are referenced by Chapters 7 and 8. Chapter 7 classifies water in various parts of the Coastal Marine Area as being Class Coastal AE (being water managed for the maintenance of aquatic ecosystems), Class Coastal CR (being water managed for contact recreation and for the maintenance of aquatic ecosystems), and Class Coastal SG (being water managed for shellfish gathering, for contact recreation and for the maintenance of aquatic ecosystems). The Regional Rules in Chapter 8 apply different thresholds for permitted activities in identified areas and other activities are subject to different controls depending on whether they occur within the defined areas or outside or affect particular sites.

S5.1.1 Areas and Sites

Areas and sites are defined in this Schedule under the following headings:

S5.2 Class Coastal AE Water Quality Areas.

S5.3 Class Coastal CR Water Quality Areas.

S5.4 Class Coastal SG Water Quality Areas.

S5.5 Areas of Significant Natural Value.

S5.6 Boatshed Areas.

S5.7 Swing Mooring Areas.

S5.8 Prohibited Areas for Motorised Vehicles.

S5.9 Defence Force Weapons Range Area.

S5.10 Main Navigational Channels.

S5.11 The Operational Areas of the Ports.

S5.12 Protected Recreational, Cultural or Historic Structures and Sites.

S5.13 Areas of Banks Peninsula to be Maintained in their Present Natural States, Free of Additional Structures.

S5.1.2 Interpretation

The areas in this Schedule are defined through the use of New Zealand Map Series grid references delineating the boundaries of the relevant area within the Coastal Marine Area. The grid references are given to the nearest 100 metres. In some cases these grid references do not provide sufficient accuracy to exactly designate the area. This is because the line defining the boundary of the area may not start or end at a grid reference on shore exactly at the boundary of the Coastal Marine Area. Where the line crosses the Coastal Marine Area boundary the area is fully defined. However, where the line defining the boundary of an area falls short of the boundary of the Coastal Marine Area, the relevant grid reference shall be interpreted as being the nearest point at the boundary of the Coastal Marine Area.

The areas defined in this Schedule are also shown on the Planning Maps in Volume 2.

S5.2 Class Coastal AE Water Quality Areas

S5.2.1 Avon River /Otakaro Mouth

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "Avon River /Otakaro Mouth" is the Coastal Marine Area enclosed by a line from the north-east corner of the oxidation pond at map reference M35:876-418 to the landward end of the Pleasant Point Jetty at map reference M35:883-418.

S5.2.2 Heathcote River Mouth

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "Heathcote River Mouth" is the Coastal Marine Area enclosed by a line from Sandy Point at map reference M36:869-399 to the end of Rangatira Crescent at map reference M36:871-391.

S5.2.3 The Operational Area of the Port of Lyttelton

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "The Operational Area of the Port of Lyttelton" is the part of the Coastal Marine Area defined as "The Operational Area of the Port of Lyttelton" in part S5.11.1 of this Schedule.

S5.2.4 North of Timaru

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "North of Timaru" is the Coastal Marine Area enclosed by:

a line from Beach Road at map reference K38:759-543 to a point approximately one kilometre seaward at map reference K38:766-537,

a line from there to a point approximately one kilometre seaward from the end of Sheffield Road at map reference K39:721-479, and

a line from there to the end of Sheffield Road at map reference K39:713-484.

S5.2.5 The Operational Area of the Port of Timaru

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "The Operational Area of the Port of Timaru" is the part of the Coastal Marine Area defined as "The Operational Area of the Port of Timaru" in part S5.11.2 of this Schedule.

S5.2.6 Pareora Beach

For the purposes of specifying the area for water quality purposes as "Class Coastal AE Water"; "Pareora Beach" is the Coastal Marine Area enclosed by a radius of 1600 metres from the Pareora effluent outfall at map reference J39:685-335.

S5.3 Class Coastal CR Water Quality Areas

S5.3.1 Kaikoura:

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Kaikoura" is the Coastal Marine Area enclosed within a line from the end of Ludstone Road at map reference 031:662-673 to point Kean at map reference 031:696-649.

S5.3.2 Ashley River /Rakahuri /Saltwater Creek and adjacent coastal waters:

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Ashley River /Rakahuri /Saltwater Creek and adjacent coastal waters" is the Coastal Marine Area enclosed by:

a line from the end of Ashworths Road at map reference M34:891-745 to a point at map reference M34:894-745, approximately 300 metres seaward of mean high water springs,

a line from there to a point opposite the Waikuku Beach Surf Club at map reference M35:877-687, and

a line from there to the Waikuku Beach Surf Club at map reference M35:875-687.

S5.3.3 Waimakariri River Mouth, Brooklands Lagoon and adjacent coastal waters

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Waimakariri River mouth, Brooklands Lagoon and adjacent coastal waters" is the Coastal Marine Area including Brooklands Lagoon and parts of the Waimakariri River, enclosed by:

a line from Woodend Beach at map reference M35:866-638 to a point at map reference M35:870-638, approximately 400 metres from mean high water springs,

a line from there to a point off Spencerville at map reference M35:874-518, approximately 400 metres from mean high water springs, and

a line from there to the shore at map reference M35:869-518.

S5.3.4 Estuary of the Heathcote and Avon Rivers /Ihutai

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Estuary of the Heathcote and Avon Rivers /Ihutai" is the Coastal Marine Area, enclosed by the boundaries of the Coastal Marine Area and a line extending from the end of Rockinghorse Road at map reference M36:898-389 to Cave Rock at map reference N36:906-380; but excluding the areas "Avon River /Otakaro Mouth" and "Heathcote River Mouth" specified in this Schedule as "Class Coastal AE Water".

S5.3.5 Lyttelton Harbour /Whakaraupo (West)

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Lyttelton Harbour /Whakaraupo (West)" is the Coastal Marine Area of Lyttelton Harbour /Whakaraupo enclosed by a line extending from a point midway between Gollans Bay and Livingstone Bay at map reference N36:905-342 to the western end of Pile Bay at map reference N36:905-318, but excluding the Operational Area of the Port of Lyttelton.

S5.3.6 Childrens Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Childrens Bay" is the Coastal Marine Area of Childrens Bay in Akaroa Harbour enclosed by a line from the headland at map reference N36:067-118 to Dalys Wharf at map reference N36:073-114.

S5.3.7 Takamatua Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Takamatua Bay" is the Coastal Marine Area of Takamatua Bay in Akaroa Harbour enclosed by a line from Hammond Point at map reference N36:059-147 to the headland between Lushington Bay and Takamatua Bay at map reference N36:054-133.

S5.3.8 Robinsons Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Robinsons Bay" is the Coastal Marine Area of Robinsons Bay in Akaroa Harbour enclosed by a line from the headland between Robinsons Bay and Duvauchelle Bay at map reference N36:054-160 to Hammond Point at map reference N36:059-147.

S5.3.9 Duvauchelle Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Duvauchelle Bay" is the Coastal Marine Area of Duvauchelle Bay in Akaroa Harbour

enclosed by a line from the jetty at map reference N36:042-162 to the headland between Robinsons Bay and Duvauchelle Bay at map reference N36:054-160.

S5.3.10 Barrys Bay and French Farm Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Barrys Bay and French Farm Bay" is the Coastal Marine Area of Barrys Bay and French Farm Bay in Akaroa Harbour enclosed by a line from the headland between Petit Carenage Bay and French Farm Bay at map reference N36:037-136 and the tip of Onawe Peninsula at map reference N36:042-146.

S5.3.11 Ashburton River /Hakatere mouth and adjacent coastal waters

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Ashburton River /Hakatere mouth and adjacent coastal waters" is the Coastal Marine Area enclosed by:

a line from a point approximately 1 kilometre north of River Road at map reference L37:154-837 to a point at map reference L37:155-835, approximately 200 metres from mean high water springs,

a line from there to a point approximately 200 metres from mean high water springs at map reference L37:137-826, and

a line from there to the end of Beach Road at map reference L37:136-828.

S5.3.12 Opihi River mouth and adjacent coastal waters

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Opihi River mouth and adjacent coastal waters" is the Coastal Marine Area, including the Opihi River Mouth, enclosed by:

a line from the end of Milford Lagoon at map reference K38:788-575 to a point at map reference K38:795-569, approximately one kilometre seawards from mean high water springs,

a line from there to a point at map reference K38:766-537, approximately one kilometre seawards from mean high water springs from Beach Road, and

a line from there to Beach Road at map reference K38:759-543.

S5.3.13 Washdyke and Caroline Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Washdyke and Caroline Bay" is the Coastal Marine Area, including the whole of Caroline Bay, but excluding the Operational Area of the Port of Timaru, enclosed by:

a line extending from the end of Sheffield Road at map reference K39:713-484 to a point approximately one kilometre seaward at map reference K39:721-479, and

a line from there to the north-western tip of the North Mole of the Port of Timaru at map reference K39:711-456.

S5.3.14 Patiti Point Coast

For the purposes of specifying the area for water quality purposes as "Class Coastal CR Water"; "Patiti Point Coast" is the Coastal Marine Area, excluding the Operational Area of the Port of Timaru, enclosed by:

a line from the South Mole of the Port of Timaru at map reference K39:719-454 to a point approximately 200 metres offshore of Patiti Point at map reference K39:731-421,

a line from there to a point approximately 200 metres offshore from Mutu-Mutu Point at map reference K39:721-403, and

a line from there to the end of Scarborough Road at map reference K39:712-410.

S5.3.15 Normanby Beach

For the purposes of specifying the area for water quality purposes as “Class Coastal CR Water”; “Normanby Beach” is the Coastal Marine Area enclosed by:

a line from the end of Ellis Road at map reference K39:711-384 to a point approximately 200 metres seawards of Tuhaiwaki Point at map reference K39:720-389,

a line south-west from there to a point on the boundary of the Pareora Beach Class Coastal AE water quality area approximately at map reference J39:695-345, and

generally north west along the boundary of the Pareora Beach Class Coastal AE water quality area to the Coastal marine area boundary.

S5.4 Class Coastal SG Water Quality Areas

S5.4.1 Rapaki

For the purposes of specifying the area for water quality purposes as “Class Coastal SG Water”; “Rapaki” is the Coastal Marine Area in Lyttelton Harbour /Whakaraupo enclosed by the boundaries of the Coastal Marine Area and a straight line drawn from the Cass Bay-Church Reserve boundary at map reference M36:848-330 to Windy Point at map reference M36:835-326 and the Coastal Marine Area in Lyttelton Harbour /Whakaraupo enclosed by the boundaries of the Coastal Marine Area and a straight line from Windy Point at map reference M36:835-326 to the Taukahara boundary at map reference M36:833-325.

S5.4.2 Outer Eastern Lyttelton Harbour /Whakaraupo

For the purposes of specifying the area for water quality purposes as “Class Coastal SG Water”; “Outer Eastern Lyttelton Harbour/Whakaraupo” is the Coastal Marine Area enclosed by the boundaries of the Coastal Marine Area and:

a line from Godley Head at map reference N36:945-355 to Adderley Head at map reference N36:961-337, and

a line from a point midway between Gollans and Livingstone Bays at map reference N36:905-342 to the western end of Pile Bay at map reference N36:905-318.

S5.4.3 Port Levy/Koukourarata

For the purposes of specifying the area for water quality purposes as “Class Coastal SG Water”; “Port Levy/Koukourarata” is the Coastal Marine Area of the whole embayment contained within a line from Adderley Head at map reference N36:961-337 to Baleine Point at map reference N36:982-337.

S5.4.4 Pigeon Bay

For the purposes of specifying the area for water quality purposes as “Class Coastal SG Water”; “Pigeon Bay” is the Coastal Marine Area of the whole embayment contained within a line from Pigeon Point at map reference N36:029-316 to Wakaroa Point at map reference N36:045-316.

S5.4.5 Little Akaloa Bay

For the purposes of specifying the area for water quality purposes as “Class Coastal SG Water”; “Little Akaloa Bay” is the Coastal Marine Area of the whole embayment contained within a line from the heads at map reference N36:104-285 to a point on land at map reference N36:120-284.

S5.4.6 Okains Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal SG Water"; "Okains Bay" is the Coastal Marine Area of the whole embayment contained within a line from West Head at map reference N36:159-259 to East Head at map reference N36:172-251.

S5.4.7 Le Bons Bay

For the purposes of specifying the area for water quality purposes as "Class Coastal SG Water"; "Le Bons Bay" is the Coastal Marine Area of the whole embayment contained within a line from Katawa Head at map reference N36: 197-200 to Steep Head at map reference N36:201-190.

S5.4.8 Akaroa Harbour

For the purposes of specifying the area for water quality purposes as "Class Coastal SG Water"; "Akaroa Harbour" is the Coastal Marine Area of Akaroa Harbour enclosed by the boundaries of the Coastal Marine Area and a line from Akaroa Head at map reference N37:083-019 to Timutimu Head at map reference N37:059-010;

but excluding the areas of "Childrens Bay", "Takamatua Bay", "Robinsons Bay", "Duvauchelle Bay", and "Barrys Bay and French Farm Bay" defined for water quality purposes as "Class Coastal CR Water".

S5.4.9 South of Timaru

For the purposes of specifying the area for water quality purposes as "Class Coastal SG Water"; "South of Timaru" is the Coastal Marine Area enclosed by:

a line from the end of Ellis Road at map reference K39:711-384 to a point at map reference K39:720-389, approximately 200 metres seawards of Tuhawaiki Point,

a line from there to a point at map reference K39:721-403, approximately 1.4 kilometres north and 200 metres offshore from Mutu-Mutu Point, and

a line from there to the end of Scarborough Road at map reference K39:712-410.

S5.5 Areas of Significant Natural Value

S5.5.1 Clarence River Mouth

Site No: 10-113

Boundary of Area:

All that area of the Coastal Marine Area offshore from Puhi Puhi Survey District as bounded by:

(a) a line commencing at the midpoint of Washdyke Stream mouth at or about NZMS 260 P30-8794 0223,

(b) thence on a bearing of 110^{o} True for 200m,

(c) thence along a straight line to a point 1.4km on a bearing of 90^{o} True from trig E (Pigeon Hill) at or about NZMS 260 P30-8669 9671,

(d) thence along a straight line to a point 2.1 km on a bearing of 138^{o} True from trig BB (Otukakau) at or about NZMS 260 P30-8822 9285,

(e) thence along a line to a point being 1.4 km on a bearing of 55^{o} True from trig 4292 at or about NZMS 260 P31-8285 8970.

S5.5.2 Waipapa to Irongate

Site No: 10-114

Boundary of Area:

All that area of the Coastal Marine Area offshore from Kaitarau Survey District and Puhi Puhi Survey District as bounded by:

(a) a line commencing at a point being 700m on a bearing of 85° True from trig 4292 at or about NZMS 260 P31-8237 8886,

(b) thence on a bearing of 120° True for 900 m,

(c) thence along a straight line to a point being 1.3 km seaward on a bearing of 130° True from the mid point of Irongate Stream mouth at or about NZMS 260 P31-7382 8071,

(d) thence directly to that stream mouth.

S5.5.3 Kaikoura Peninsula

Site No: 10-116

Boundary of Area:

All that area of the Coastal Marine Area offshore from Mt Fyffe Survey District as bounded by:

(a) a line commencing at the mid point of Lyell Creek mouth at or about NZMS 260 O31-6640 6682,

(b) thence on a bearing of 101° True along a straight line to the intersection of an arc of radius 2.5 km from trig Ref KA,

(c) thence by a line generally southward around the arc,

(d) thence by a straight line intersecting the arc being on a bearing of 152° True from a point being 1km on a bearing of 190° True from trig 4951 (Ludstone) at or about NZMS 260 O31-6450 6577, and directly to that point.

S5.5.4 South Bay to Peketa

Site No: 10-115

Boundary of Area:

All that area of the Coastal Marine Area offshore from Mt Fyffe Survey District as bounded by:

(a) a line commencing at a point being 1 km at a bearing of 213° True from trig 4951 (Ludstone) at or about NZMS 260 O31-6450 6577,

(b) thence along a straight line to the mid point of the Kahutara River mouth at or about NZMS 260 O31-5845 6346.

S5.5.5 Kahutara River to Oaro

Site No: 10-119

Boundary of Area:

All that area of the Coastal Marine Area offshore from the Hundalee Survey District as bounded by:

(a) a line from the mid point of the Kahutara River mouth at or about NZMS 260 O31-5845 6346,

(b) thence on a bearing of 120° True for 250m,

(c) thence along a line on a bearing of 180° True for 1.25 km, thence along a straight line to meet at a tangent an arc of radius 500m from the southern most point of Riley's Lookout at or about NZMS 260 O31-5589 6048,

(d) thence by a line generally westward around the arc,

(e) thence by a straight line intersecting the arc being on a bearing of 35° True from a point being 500m on a bearing of 13° True from trig 5611 (150m on a bearing of 47° True from the road/rail junction) at or about NZMS 260 O32-5172 5500, and directly to that point.

S5.5.6 Oaro to Haumuri Bluffs

Site No: 10-120

Boundary of Area:

All that area of the Coastal Marine Area offshore from the Hundalee Survey District as bounded by:

(a) a line commencing at a point being 500m on a bearing of 13° True from trig 5611 (150m at a bearing of 47° True from the road/rail junction) at or about NZMS 260 O32-5172 5500,

(b) thence on a bearing of 90° True for 500m,

(c) thence along a straight line towards trig T (Tarapuhi) to the intersection of an arc of radius 1.5km from trig T (Tarapuhi),

(d) thence by a line generally eastward and southward around the arc,

(e) thence by a straight line intersecting the arc being on a bearing of 141° True from the midpoint of Okarahia Stream mouth at or about NZMS 260 O32-5122 4901, and directly to that stream mouth.

S5.5.7 Whale, Dolphin & Hutton's Shearwater area

Site No: 10-118

Boundary of Area:

All that area of the Coastal Marine Area offshore from the Puhi Puhi Survey District, the Mt Fyffe Survey District and the Hundalee Survey District as bounded by:

(a) a line commencing at the midpoint of Washdyke Stream mouth at or about NZMS 260 P30-8794 0223,

(b) thence on a bearing of 106° True for 12 nautical miles,

(c) thence along the Canterbury Regional Council administrative boundary to a point being 12 nautical miles seaward on a bearing of 106° True from the mid point of Okarahia Stream mouth at or about NZMS 260 O32-5122 4901,

(d) thence directly to that stream mouth.

S5.5.8 Conway River Mouth Lagoons

Site No: 10-121

Boundary of Area:

All that area of the Coastal Marine Area offshore from the Hundalee Survey District and the Hawkswood Survey District as bounded by:

(a) a line commencing at a point at MHWS on the coast level with the northern extreme of the Conway Lagoon at or about NZMS 260 O32-4900 4460,

(b) thence on a bearing of 102° True for 200 m,

(c) thence along a straight line to a point being 200m seaward on a bearing of 107° True from a point being 900 m generally north along the coast from trig I at or about NZMS 260 O32-4807 4240,

(d) thence directly to that point.

S5.5.9 Waiau River mouth/Shag Rock Coastline

Site No: 12-001

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a line starting from the stream mouth at or about map reference NZMS 260 O33-416272

(b) thence on a bearing 120° True for a distance of 200 metres,

(c) thence along a straight line to a point at a position 120° True 600 metres from the stream mouth at or about map reference NZMS 260 O33-399229,

(d) thence along a straight line to a position 120° True 600 metres from the stream mouth at or about map reference NZMS 260 O33-366188,

(e) thence to the last mentioned stream mouth.

S5.5.10 Napenape

Site No: 12-002

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a line starting from the stream mouth at or about map reference NZMS 260 N33-289054,

(b) thence on a bearing 120° True for a distance of 1000 metres,

(c) thence in a straight line to a position 120° True 400 metres from the stream mouth at or about map reference NZMS 260 O33-307074,

(d) thence to the last mentioned stream mouth.

S5.5.11 Motunau Island

Site No: 12-003

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line tangential to the line of mean high water springs at the eastern extremity of the headland at or about map reference NZMS 260 N34-170956 and to an arc of radius 1000 metres from a position on Motunau Island at longitude 173° 04.65' latitude 43° 03.80',

(b) thence generally westward around such arc,

(c) thence by a straight line tangential to such arc and to a position being the centreline intersection of Lindsay Terrace and Island Terrace at or about map reference NZMS 260 N34-161955.

S5.5.12 Motunau Cliffs and River mouth

Site No: 12-004

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line tangential to the line of mean high water springs at the eastern extremity of the headland at or about map reference NZMS 260 N34-170956 and to an arc of radius 1000 metres from a position on Motunau Island at longitude 173^{o} 04.65' latitude 43^{p} 03.80',

(b) thence generally westward around such arc,

(c) thence by a straight line tangential to such arc and to a position being the centreline intersection of Lindsay Terrace and Island Terrace at or about map reference NZMS 260 N34-161955.

S5.5.13 Ashley River /Rakahuri -Saltwater Creek Estuary

Site No: 12-005

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a line starting from the Waikuku Beach Surf Club at or about map reference NZMS 260 M35 873688,

(b) thence on a bearing of 100^{o} True for a distance of 300 metres,

(c) thence for a distance 7 kilometres towards a position 115^{o} True 300 metres from Trig Station "Leithfield" at or about map reference NZMS M34 897769,

(d) thence on a bearing of 295^{o} True to the line of mean high water springs.

S5.5.14 Waimakariri River mouth & Brooklands Lagoon

Site No. 12-006

Boundary of Area:

All that part of the Coastal Marine Areas landward of an arc of radius 300 metres seaward of a position at longitude 172^{o} 42.63', latitude 43^{o} 23.49'.

S5.5.15 Estuary of the Heathcote and Avon Rivers /Ihutai

Site No: 12-007

Boundary of Area:

All that part of the Coastal Marine Area landward of an arc of radius 850 metres from a position at the summit of Shag Rock at or about map reference NZMS 260 M36-899382.

S5.5.16 Scarborough Cliffs & Godley Head

Site No: 12-008

Boundary of Area:

(1) All that part of the Coastal Marine Area contained within:

(a) a line starting from the rock promontory at Sumner Head at or about map reference NZMS 260 N36-919376,

(b) thence on a bearing due north for a distance of 200 metres thence bearing due east for 500 metres,

(c) thence bearing due south for 1200 metres then bearing westward to the rock named Giants Nose at or about map reference NZMS 260 N36-922-366;

AND

(2) All that part of the Coastal Marine Area contained within:

(a) a line starting from Black Rock at Map reference NZMS 260 N36 926360 to a point 400 metres due north of the eastern end of the boulder beach at Boulder Bay at or about map reference NZMS 260 N36-938362,

(b) thence on a bearing of 133^{o} True for 1700 metres,

(c) thence on a bearing of 223^{o} True for 1000 metres,

(d) thence along a line generally north west to the historic military tunnel's western entrance at or about map reference NZMS 260 N =36-942349.

S5.5.17 Lyttelton Harbour /Whakaraupo Tidal Flats

Site No: 12-009

Boundary of Area:

All that part of the Coastal Marine Area at the head of Lyttelton Harbour/Whakaraupo, including Governors Bay, Head of the Bay, and part of Charteris Bay, contained within:

(a) a line starting from Trig Station "Z" at or about map reference NZMS 260 M36-825319 (north east of Governors Bay) to Trig Station "HH" at or about map reference NZMS 260 M36-849309 (Quail Island)

(b) thence to Trig Station "II" at or about map reference NZMS 260 M36-875294.

S5.5.18 Ripapa Island

Site No: 12-010

Boundary of Area:

All that part of the Coastal Marine Area contained within a circle of radius 400 metres from a position on Ripapa Island being the centre of the historic observation post at or about map reference NZMS 260 N356 902320.

S5.5.19 Okains Bay Estuary

Site No: 12-011

Boundary of Area:

All that part of the Coastal Marine Area being the Opara Stream estuary and part of Okains Bay westward of a line bearing due south from Trig Station "DD" at or about map reference NZMS 260 N36-148244.

S5.5.20 Pa Island to Ducksfoot Bay

Site No: 12-012

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a line starting from the stream mouth at or about map reference NZMS 260 N36-177239,

(b) thence on a bearing 47^{o} True for a distance of 1100 metres,

(c) thence along a line to a position due east 900 metres from Trig Station "P" at or about map reference NZMS 260 N36-187218,

(d) thence on a bearing due west to a point at mean high water springs.

S5.5.21 Crown Island Coast

Site No: 12-013

Boundary of Area:

All that part of the Coastal Marine Area bounded by:

(a) a straight line tangential to the line of mean high water springs at both Putakolo Head at or about map reference NZMS 260 N36-204145, and South Head, at or about map reference NZMS 260 N36-186101, and

(b) the landward boundary of the Coastal Marine Area.

S5.5.22 Stony Bay

Site No: 12-014

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line tangential to the line of mean high water springs at the unnamed headland at or about map reference NZMS 2650 N37-141056, and

(b) a straight line tangential to the line of mean high water springs at Short Reef Point at or about map reference NZMS 260 N37-138052.

S5.5.23 Redcliffe Nook to Damons Bay

Site No: 12-015

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line tangential to the line of mean high water springs at Redcliffe Point at or about map reference NZMS 260 N37-131-038 and extending to a position 900 metres due south of Trig Station "G" at or about map reference NZMS 260 N37-106029,

(b) thence by a straight line tangential to the line of mean high water springs at Saleway Point on or about map reference NZMS 260 N37-087019.

S5.5.24 Nikau Palm Gully to Akaroa

Site No: 12-016

Boundary of Area:

All that part of the Coastal Marine Area contained by:

(a) a line starting from mean high water springs at the end of Gateway Point at or about map reference NZMS 260 N37-087019,

(b) thence on a bearing due south for a distance of 200 metres,

(c) thence to a position 227^{o} True 1000 metres from Trig Station "D2" at or about map reference NZMS 260 N37-079024,

(d) thence to a position 248^{o} True 300 metres from the stream mouth at or about map reference NZMS 260 N37-054052,

(e) thence directly to said stream mouth.

S5.5.25 Akaroa Harbour Tidal Flats

Site No: 12-017

Boundary of Area:

All those parts of the Coastal Marine Area

(1) within Takamatua Bay and Robinson Bay landward of a line between Trig Station "B" (Takamatua Hill) at or about map reference NZMS 260 N36-063127 and Trig Station "T" at or about map reference NZMS 260 N36-064168 and

(2) within Duvauchelle Bay, Head of Bay and Barrys Bay landward of a line between Trig Station "T" as above and Trig Station "CC" at or about map reference NZMS 260 N36-019151 and

(3) within French Farm Bay landward of a line between Trig Station "CC" as above and a position at the northern extremity of the line of mean high water springs on the unnamed promontory at or about map reference NZMS 260 N36-031141.

S5.5.26 Onawe Peninsula

Site No: 12-018

Boundary of Area:

All that part of the Coastal Marine Area contained within

(a) a straight line starting from the landward end of the wharf at or about map reference NZMS 260 N36-042162 to meet at a tangent an arc of radius 400 metres from trig station "A" (Onawe) at or about map reference NZMS 260 N36-041147,

(b) thence by a line generally westward around the arc,

(c) thence by a straight line at a tangent to the arc and directly to the landward end of the wharf as above.

S5.5.27 Scenery Nook

Site No: 12-019

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line starting from trig station "N" at or about map reference NZMS 260 N37-046008,

(b) thence on a bearing of 216^{o} True for a distance of 500 metres,

(c) thence to a position at the south eastern extremity of the line of mean high water springs at the rock promontory at or about map reference NZMS 260 N37-023018.

S5.5.28 Kaitorete

Site No: 12-020

Boundary of Area:

All that part of the Coastal Marine Area within:

(a) 200 metres of the line of mean high water springs between a line on a bearing of 220^{o} True from trig station "B" at or about map reference NZMS 260 M37-879092, and

(b) a line on a bearing of 165^{o} True from the centreline of the bend in Gullivers Road at or about map reference NZMS 260 M37-581051.

S5.5.29 Coopers Lagoon /Muriwai coastline

Site No: 12-021

Boundary of Area:

All that part of the Coastal Marine Area:

(a) within 200 metres of the line of mean high water springs, and

(b) between two lines each on a bearing of 158^{o} True, one line being 1200 metres eastward and the other line being 800 metres westward along the line of mean high water springs from the Coopers Lagoon /Muriwai piped outfall at or about map reference NZMS 260 M37-539039

S5.5.30 Rakaia River Mouth

Site No: 12-022

Boundary of Area:

All that part of the Coastal Marine Area within 200 metres of the line of mean high water springs including the projection of that line:

(a) across the mouth of the Rakaia River between a line bearing 155^{o} True at a parallel distance of 20 metres westward of the Jollies Brook piped outfall at or about map reference NZMS 260 M37-570026, and

(b) a line bearing 150^{o} True from trig station "35A" at or about map reference NZMS 260 M37-444002.

S5.5.31 Ashburton River /Hakatere Mouth

Site No: 12-023

Boundary of Area:

All that part of the Coastal Marine Area within 200 metres of the line of mean high water springs including the projection of that line across the mouth of the Ashburton River /Hakatere between the projection seaward of the centreline of the Wakanui beach road at or about map reference NZMS 260 L37-189861 and the projection seaward of the centreline of Williams Road at or about map reference NZMS 260 L37-104313.

S5.5.32 Orari River Mouth & Lagoons

Site No: 12-024

Boundary of Area:

All that part of the Coastal Marine Area within 200 metres of the line of mean high water springs including the projection of that line across the mouth of the Orari River between two lines bearing 140^{o} True, one line 2300 metres north east and the other line 400 metres south west from the point where the projection seaward of the centreline of the road at or about map reference NZMS 260 K38-828617 crosses the line of mean high water springs.

S5.5.33 Opihi River Mouth & Lagoons

Site No: 12-025

Boundary of Area:

All that part of the Coastal Marine Area within 200 metres of the line of mean high water springs including the projection of that line:

(a) across the mouth of the Opihi River between the projection seaward of the centreline of White Road at or about map reference NZMS 260 K38-814601, and

(b) seaward of the centreline of Connollys Road at or about map reference NZMS 260 K38-775562.

S5.5.34 Washdyke (Waitarakao) coastline

Site No: 12-026

Boundary of Area:

All that part of the Coastal Marine Area, but excluding any Coastal Marine Area of Taitarakihi Creek bounded by:

(a) a straight line bearing 28^{o} True from the mouth of Taitarakihi Creek at or about map reference NZMS 260 J39, K39-705466, and

(b) a straight line being the projection seaward of the centreline of Aorangi Road at or about map reference NZMS 260 J39, K39-719493.

S5.5.35 Patiti Point to Tuhawaiki Point

Site No: 12-027

Boundary of Area:

All that part of the Coastal Marine Area contained within:

(a) a straight line along the seaward projection of the centreline of Queen Street for a distance of 800 metres from a point at the centreline intersection with High Street at or about map reference NZMS 260 J39, K39-712429,

(b) thence by a straight line on a bearing of 120^{o} True 500 metres from trig station “C” at or about map reference NZMS 260 J39, K39-711382,

(c) thence directly towards trig station “C”.

S5.5.36 Wainono to Waihao River Mouth

Site No: 12-028

Boundary of Area:

All that part of the Coastal Marine Area within 200 metres of the line of mean high water springs between:

(a) a straight line bearing 80^{o} True from trig station “LL” at or about map reference NZMS 260 J40-641136, and

(b) a projection of the centre line of the formed road along Reserve 4987 at or about map reference NZMS 260 J40-651021.

S5.5.37 Waitaki River Mouth

Site No: 12-029

Boundary of Area:

All that part of the Coastal Marine Area contained within a line 200 metres seaward of the line of mean high water springs including the projection of:

(a) that line across the river mouth between a straight line projection of the south west boundary of RS 28477 Blk XV Waitaki Survey District at or about map reference NZMS 260 J41-644872 (which boundary is an extension of the line of the northern boundary of Carrolls Road immediately inland), and

(b) a line bearing 110° from a point 800 metres southwards along the centreline of the coastal formed road from that road's intersection with the centreline of Kaik Road at or about map reference NZMS J41-631829.

S5.6 Boatshed Areas

S5.6.1 Church Bay

The Boatshed Area "Church Bay" is the area occupied by, in between, and immediately in front of, the group of boatsheds in Church Bay in Lyttelton Harbour/Whakaraupo that existed on 1 March 1998 and were to the east of the jetty in Church Bay. (See Map 3.2.)

S5.6.2 Charteris Bay Number 1

The Boatshed Area "Charteris Bay Number 1" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 at the western end of Charteris Bay in Lyttelton Harbour/Whakaraupo. (See Map 3.2.)

On 1 March 1998 this group of boatsheds commenced at the western end immediately to the east of a rocky promontory separating the boatshed area from the boat launching ramp. This group of boatsheds terminated with a concrete block and render boatshed being the most eastern boatshed of the group. This final boatshed was located outside the Coastal Marine Area on 1 March 1998.

S5.6.3 Charteris Bay Number 2

The Boatshed Area "Charteris Bay Number 2" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 being the central group of nine boatsheds in Charteris Bay in Lyttelton Harbour /Whakaraupo. (See Map 3.2.)

Most of these boatsheds were on concrete plinths and so were not in the Coastal Marine Area on 1 March 1998.

S5.6.4 Charteris Bay Number 3

The Boatshed Area "Charteris Bay Number 3" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 being the easternmost group of fourteen boatsheds in Charteris Bay in Lyttelton Harbour /Whakaraupo. (See Map 3.2.)

None of these boatsheds were within the Coastal Marine Area on 1 March 1998.

S5.6.5 Hays Bay

The Boatshed Area "Hays Bay" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 being the group of boatsheds to the east of the Charteris Bay Yacht Club in Hays Bay in Lyttelton Harbour /Whakaraupo. (See Map 3.2.)

On 1 March 1998 this group of boatsheds commenced at the western end, adjacent to the Charteris Bay boat storage and launching area, with a large double boatshed. This group of boatsheds terminated at the eastern end with a group of nine boatsheds. The final boatshed in this group was immediately to the west of a low rock promontory.

S5.6.6 Robinsons Bay

The Boatshed Area "Robinsons Bay" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 within Robinsons Bay in Akaroa Harbour. (See Map 3.4.)

On 1 March 1998 this group of 11 boatsheds commenced at the western end with a large boatshed with a roller door, adjacent to a distinctive exposed red rockface. At the eastern

end the group terminated with a small green wooden boatshed. All of the boatsheds were within the Coastal Marine Area.

S5.6.7 Duvauchelle Bay Number 1

The Boatshed Area "Duvauchelle Bay Number 1" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 within Duvauchelle Bay in Akaroa Harbour being the group of five in the south western end of the Bay south of the public boat ramp, jetty and rigging area adjacent to Seafield Road. (See Map 3.4.)

On 1 March 1998 the last boatshed in the group at the western end was adjacent to a flight of access steps down the cliff face. At the eastern end the last boatshed was fibrolite and sat on concrete piles. All of the boatsheds were within the CMA and all obstructed the rocky foreshore to some extent.

S5.6.8 Duvauchelle Bay Number 2

The Boatshed Area "Duvauchelle Bay Number 2" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 within Duvauchelle Bay in Akaroa Harbour being the group of 15 boatsheds north of the public boat ramp, jetty and rigging area adjacent to Seafield Road. (See Map 3.4.)

On 1 March 1998 there were no gaps in this group of boatsheds. At the south west end of this group the first boatshed was immediately adjacent to the ramp from the public road which descends to the launching area. At the north eastern end the final boatshed was fibrolite and was adjacent (across Seafield Road) to an access road to a house on the hillside. It was also just south west of a drainage culvert onto the beach.

On 1 March 1998 this group of boatsheds comprised several very large boatsheds with the roof being extended to cover individual sheds. All of the boatsheds were within the CMA and all obstructed the rocky foreshore to some extent.

S5.6.9 Duvauchelle Bay Number 3

The Boatshed Area "Duvauchelle Bay Number 3" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 within Duvauchelle Bay in Akaroa Harbour being the group of 11 boatsheds on the western shore of Duvauchelle bay and on the road to the Onawe peninsula. (See Map 3.4.)

On 1 March 1998 this group was of a composite design and muted colouring. Construction was mostly vertical stained timber. There were no large gaps in this group of boatsheds but all obstructed the rocky foreshore.

S5.6.10 Jones Bay

The Boatshed Area "Jones Bay" is the area occupied by, in between, and immediately in front of, the group of boatsheds that existed on 1 March 1998 within Jones Bay in Akaroa Harbour being the group of six boatsheds which was the first group of boatsheds on the road to Wainui and opposite Onawe peninsula on the western side of the entrance to Barrys Bay. (See Map 3.5.)

On 1 March 1998 the boatsheds were not generally visible from the road. At the southern end of this group was a very substantial concrete block boatshed set on a concrete plinth. This boatshed was not within the Coastal Marine Area. At the northern end was a small tin boatshed. Apart from the concrete boatshed, the boatsheds in this group were all within the CMA.

S5.6.11 French Farm Bay

The Boatshed Area "Jones Bay" is the area occupied by, in between, and immediately in front of, the two group of boatsheds that existed on 1 March 1998 within Jones Bay in

Akaroa Harbour being the two groups of boatsheds associated with the French Farm Aquatic Club and adjacent to the Wainui Road. . (See Map 3.5.)

On 1 March 1998 the southern most group comprised six boatsheds with the most southern of this group adjacent to the boat cradle and maintenance area. There was a gap between this group and the northern boatsheds. There were eight boatsheds in this group, commencing at the southern end with the "French Farm Aquatic Club" headquarters, which had its own jetty. All of these boatsheds were within the Coastal Marine Area. Because of water depth, the foreshore is largely covered at most states of the tide.

S5.7 Swing Mooring Areas

S5.7.1 Cass and Corsair Bays

The Swing Mooring Area of "Cass and Corsair Bays" is the Coastal Marine Area of Cass and Corsair Bays in Lyttelton Harbour /Whakaraupo enclosed by a line from Erskine Point at map reference M36:859-329 to the point on shore at map reference M36:848-330; but excluding the part of Corsair Bay enclosed by a line from the landward end of the Corsair Bay jetty at map reference M36:858-331 to a point on shore at map reference M36:855-441.

S5.7.2 Purau Bay

The Swing Mooring Area of "Purau Bay" is the Coastal Marine Area in Lyttelton Harbour /Whakaraupo enclosed by:

a line from a point on shore at map reference M36:896-302, approximately 100 metres south of the Purau Bay jetty, aproximately 195 metres east to a point at map reference M36:898-301;

a line from there approximately 930 metres north to a point at map reference M36:898-311; and

a line from there approximately 490 metres west to a point on shore at map reference M36:893-311.

S5.7.3 Akaroa

The Swing Mooring Area of "Akaroa" is the Coastal Marine Area in Akaroa Harbour enclosed by:

a line from a point on shore at map reference N36:061-103, near the southern end of Glen Bay to a point approximately 1893 metres north east to a point at map reference N36:073-117;

a line from there approximately 150 metres south east to a point on shore approximately 250 metres north east of Dalys Wharf and opposite Rue Brittan at map reference N36:074-116.

S5.7.4 Takamatua Bay

The Swing Mooring Area of "Takamatua Bay" is the Coastal Marine Area in Akaroa Harbour enclosed by:

a line from near the shore end of the boat ramp in Takamatua Bay at map reference N36:665-136 to a point approximately 258 metres north to a point at map reference N36:065-139;

a line from there approximately 390 metres west to a point at map reference N36:061-139; and

a line from there approximately 200 metres south to a point on shore at map reference N36:061-136.

S5.7.5 French Farm Bay

The Swing Mooring Area of "French Farm Bay" is the Coastal Marine Area in Akaroa Harbour enclosed by:

a line from the shore at map reference N36:030-151 to a point 400 metres east to a point at map reference N36:034-151;

a line from there 600 metres south to a point at map reference N36:034-145; and

a line from there 700 metres west to a point on the shore south west of the southernmost boatshed at map reference N36:027-145.

S5.7.6 Tikao Bay

The Swing Mooring Area of "Tikao Bay" is the Coastal Marine Area of Tikao Bay in Akaroa Harbour enclosed by a line from the shore at the point at map reference N36:037-121 to a point on shore at map reference N36:036-120.

S5.8 Prohibited Areas for Motor Vehicles

Rule 8.21 prohibits the operation of a motorised vehicle in these areas except under specified circumstances.

S5.8.1 Ashley River /Rakahuri -Saltwater Creek Estuary

The Coastal Marine Area of all of the Ashley River /Rakahuri -Saltwater Creek Estuary west of a line from a point on land at map reference M35:876-695 to a line from a point on land at map reference M34:885-726.

S5.8.2 Brooklands Lagoon Eastern Shoreline

The Coastal Marine Area of all of the eastern shoreline of Brooklands Lagoon from the point nearest to Heyders Road at the southern end of the Lagoon to the mouth of the Lagoon where it joins the Waimakariri River at map reference M34:861-572.

S5.8.3 Brooklands Lagoon

The Coastal Marine Area of Brooklands Lagoon south of a line extending across the Lagoon 200 metres south of, and on the same bearing as, the middle line of Dartford Street.

S5.8.4 South Brighton Spit to Spencer Park

The Coastal Marine Area of all those parts of Brighton Beach and Waimairi Beach from a line extending between the end of Rockinghorse Road and Shag Rock and along the beach fronting the sea to a line running seaward along the mid-line of the eastern end of Heyders Road, Spencer Park.

S5.8.5 Estuary of the Avon and Heathcote Rivers /Ihutai

The Coastal Marine Area within the part of the Estuary of the Avon and Heathcote Rivers /Ihutai bounded to the east by a line extending between Shag Rock and the end of Rocking Horse Road (New Brighton).

S5.8.6 Sumner Beach

The Coastal Marine Area of all that part of Sumner Beach between Shag Rock and Cave Rock.

S5.8.7 Taylors Mistake Beach

The Coastal Marine Area of all that part of Taylors Mistake Beach between Moki Point and Black Rock.

S5.8.8 Okains Bay Lagoon

The Coastal Marine Area of all that part of Okains Bay lagoon and Opara Stream contained within a line extending due south from Trig station "DD" at or about map reference NZMS 260 N36-148244.

S5.8.9 Caroline Bay Beach

The Coastal Marine Area of all that part of Caroline Bay Beach between the Northern Mole of the Port of Timaru and the water ski and vessel access lane marked by orange and black posts on the shore.

S5.9 New Zealand Defence Force Weapons Range/Danger Area

The New Zealand Defence Force weapons range/danger area NZD 820, is located to the north and east of Le Bons Bay, Banks Peninsula and is shown on the Planning Maps in Volume 2. The area is that defined below and is a rectangular shape, approximately 30 kilometres by 25 kilometres with a part of the western corner of the rectangle removed.

The area is that enclosed by 5 lines:

(a) from NZ Map Grid Reference 2577431E 5745124N to NZ Map Grid Reference 2576876E 5689557N; and

(b) from there to NZ Map Grid Reference 2530077E 5689865N; and

(c) from there to NZ Map Grid Reference 2530162E 5717647N; and

(d) from there to NZ Map Grid Reference 2543726E 5745374N; and

(e) from there to NZ Map Grid Reference 2577431E 5745124N.

S5.10 Main Navigational Channels

S5.10.1 Lyttelton

The Main Navigational Channel for the Port of Lyttelton extends from abeam of the western end of Mechanics Bay, to abeam of the breakwater lights at the western end of Gladstone Pier, and includes the channel leading from there into the Inner Harbour.

The Northern edge of the Main Navigational Channel is the line marked by the **North Rear Beacon** (pile; white triangle, point down at location 43° 36.9’ S, 172° 42.1’ E) close to the Northern part of Shag Reef; and the **North Front Beacon**, (pile; white triangle, point up at 43° 36.8’ S 172° 42.8’ E) approximately 0.5 nautical miles (about 926 metres) east of the North Rear Beacon; and thence to the western end of Mechanics Bay.

The Southern edge of the Main Navigational Channel is the line marked by the **South Rear Beacon**, (pile; white triangle, point down at 43° 37.0’ S 172° 42.1’ E) close to the Southern Part of Shag Reef; and the South Front Beacon (pile; white triangle, point up at 43° 36.9’ S 172° 42.8’ E) approximately 0.5 nautical miles (about 926 metres) east of the South Rear Beacon; and thence to the wetern end of Mechanics Bay.

S5.10.2 Timaru

The Main Navigational Channel for the Port of Timaru extends from abeam of Eastern Extension Mole light out to the Harbour Limits, (inside part of the arc of a circle of 2.5 nautical miles radius centred on the eastern extension mole light structure).

The Northern edge of the Main Navigational Channel is the line marked by the **Front Light**, (this is an orange triangle with a green vertical neon strip on a white concrete post (44° 23.2' S, 171° 14.78' E) on Benvenue Cliff), and the Green **Starboard Hand Light Buoy**, (this is approximately 0.5 nautical miles and 065° true from the Eastern Extension Mole light).

The Southern edge of the Main Navigational Channel is the line marked by the **Front Light** and the Red **Port Hand Light Buoy**, (this is approximately one nautical mile, and 087° true from the Eastern Extension Mole light).

Note

One nautical mile is 2025 yards, or approximately 1852 metres, and one cable is 200 yards, or approximately 183 metres.

S5.11 Operational Areas of the Ports

S5.11.1 Lyttelton

The Operational Area of the Port of Lyttelton is the Coastal Marine Area enclosed by the land boundary of the Coastal Marine Area and:

a line from Battery Point at map reference M36:891-336 to south of the main Navigational Channel at map reference M36:892-328,

five lines bounding the ship turning basin from this point, sequentially connecting points at map references M36:891-328, M36:886-324, M36:876-325, and M36:871-325, and

a line from the point at map reference M36:871-325 to the western boundary of the Port's oil tank farm on the Naval Point Reclamation at map reference M36:866-329.

S5.11.2 Timaru

The Operational Area of the Port of Timaru is the Coastal Marine Area enclosed by the land boundary of the Coastal Marine Area and:

a line along the North Mole of the Port of Timaru from a point at map reference K39: 708-450 to a point at map reference K39: 712-458 where the line meets the boundary of the area classified for water quality purposes as "Washdyke and Caroline Bay", (Schedule 5.3.13),

a line from that point due east for 800 m to a point at map reference K39: 720-458;

a line from that point to a point at map reference K39: 723-452 lying 100 m due east of the eastern most end of the outer spur groyne on the Eastern Extension mole,

a line from that point to a point on the Eastern Extension mole at map reference: K39: 719-448.

S5.12 Protected Recreational, Cultural or Historic Structures and Sites

Rule 8.1 (f) allows the removal or demolition of any structure a Permitted Activity unless the structure is a recreational, cultural or historic structure listed in this Schedule. Removal or demolition of such a structure requires a resource consent in accordance with Rule 8.3. Rule 8.1 (g) provides for the removal or demolition of listed structures within the Operational Area of the Port of Lyttelton as permitted activities, provided specified conditions are complied with.

The following structures are Protected Recreational, Cultural or Historic Structures

(Note that the Map Reference Locations are approximate):

(1) "Old Wharf" Kaikoura (1881), (Map Reference O31:683-653).

(2) Custom House Chimney Structure at Avoca Point near Fyfe House, Kaikoura, (Map Reference O31:684-655).

(3) Partly Eroded Seawall on the shoreline immediately to the south of the Custom House Chimney Structure in 2 above.

(4) Port Robinson Jetty remains in Gore Bay, (Map Reference O33:356-143).

(5) "Northport" Jetty remains, Saltwater Creek, (Map Reference O34:866-712).

(6) The "Screw Piles" (1850), beneath the No. 2 Wharf, Inner Harbour, Port of Lyttelton, (Map Reference M36:875-335).

(7) The "Patent Slip" (1883), Inner Harbour, Port of Lyttelton, (Map Reference M36:867-334).

(8) The Gladstone Pier Lighthouse (1878), Inner Harbour, Port of Lyttelton, (Map Reference M36:873-331).

(9) The Concrete Seawall (1874), in front of the old Explosives Magazine Building in Magazine Bay,Lyttelton Harbour/Whakaraupo, (Map Reference M36:861-330).

(10) Corsair Bay Jetty, Lyttelton Harbour/Whakaraupo, (Map Reference M36:858-331).

(11) Gallipoli Wharf, Rapaki Bay, Lyttelton Harbour/Whakaraupo, (Map Reference M36:843-332).

(12) Governors Bay Jetty (1883), Lyttelton Harbour/Whakaraupo, (Map Reference M36:820-314).

(13) The Jetty Structure on Ripapa Island, Lyttelton Harbour/Whakaraupo, (Map Reference N36:901-318).

(14) Charteris Bay Jetty, Lyttelton Harbour/Whakaraupo, (Map Reference M36: 865-291).

(15) Church Bay Jetty, Church Bay, Lyttelton Harbour/Whakaraupo, (Map Reference M36:872 304).

(16) The "Old Stock Wharf" (1881), Quail Island, Lyttelton Harbour/Whakaraupo, (Map Reference M36:856-306).

(17) Diamond Harbour Wharf, Lyttelton Harbour/Whakaraupo, (Map Reference M36:887 315).

(18) Purau Bay Jetty, Lyttelton Harbour/Whakaraupo, (Map Reference M36:896 302).

(19) Pilot Boat Slipway, Little Port Cooper, Lyttelton Harbour/Whakaraupo, (Map Reference N36:950 323).

(20) Rock Seawall, Old Coach Road, Governors Bay to Allandale, Lyttelton Harbour, (Map Reference M36:820 312 to M36:817 297).

(21) Fields Wharf and Transit Shed, Western side of Port Levy/Koukourarata, (Map Reference N36:955 289).

(22) Puari Wharf (1884), Eastern side of Port Levy/Koukourarata, (Map Reference N36:968 288).

(23) Pigeon Bay Wharf (1884), (Map Reference N36:020 254).

(24) Little Akaloa Wharf and Transit Shed, (Map Reference N36:096 263).

(25) Wharf Remains and Piles, Okains Bay, (Map Reference N36:157 236).

(26) Jetty Remains and Piles, Le Bons Bay, (Map Reference N36:183 185).

(27) Wainui Jetty, Akaroa Harbour, (Map Reference N37:023 099).

(28) T Wharf, at the Head of the Bay, Duvauchelle Bay, Akaroa Harbour, (Map Reference N36:042 162).

(29) Robinsons Bay Jetty, Akaroa Harbour, (Map Reference N36:067 153).

(30) Takamatua Bay Jetty, Akaroa Harbour, (Map Reference N36:064 137).

(31) Dalys Wharf in Akaroa Harbour, (Map Reference N36:073 114).

(32) The Main Wharf in Akaroa Harbour, (Map Reference N36:068 109).

(33) Remains of the Wave Action Hydraulic Power Station (c1914), Dashing Rocks, Timaru, (Map Reference J39/K39:703 457).

(34) Waihao Box (1910), the outlet from the Waihao River and the Wainono Lagoon, (Map Reference J40:653 023).

Parts (c), (g), (h) and (i) of Rule 8.6 allow the disturbance of the foreshore or seabed or the removal of material as a Permitted Activity subject to certain conditions including a requirement that it does not occur at a site listed in this Schedule. Depositions of material, or disturbance of the foreshore, or seabed or the removal of material at such a site requires a resource consent. Rule 8.30 has similar provisions for the taking of water and the damming or diversion of water.

(35) The “Bath House Bathing Pool”, the Rock Platform at Avoca Point, Kaikoura, (Map Reference O31:684-655).

(36) The Whaling Station site at Waiopuka in Kaikoura, comprising the foreshore running from the Old Wharf, (Map Reference O31:683-653) to the south eastern end of Armers Beach, (Map Reference O31:684-649), including the Fresh Water Spring in Waiopuka Cove exposed at low tide.

(37) The Whaling Station site at Moa Point, South Bay Kaikoura, comprising the foreshore from Moa Point (Map Reference O31:661-643) to a point 200 metres to the east.

(38) The Whaling Station and historic settlement site at Haumuri, south of Oaro, comprising the foreshore from Pukaroro Rock, (Map Reference O32:514-522) to Okeke, 1.5 km south,
(Map Reference O32:513-508).

(39) Site of the Wreck of the Paroto (1966), Point Gibson, Gore Bay, comprising the foreshore and seabed within 50 metres of the shore, from the Port Robinson Jetty remains, Map Reference O33:356-143) to adjacent to the Point Gibson Lighthouse, (Map Reference O33:361-137).

(40) Godley Head Lighthouse landing site, Mechanics Bay, Lyttelton Harbour/Whakaraupo, comprising the foreshore 100 metres either side of the landing site,
(Map Reference N36:938-349).

(41) Site of the Wreck of the Breeze, Breeze Bay, comprising the foreshore and seabed within 50 metres of the shore in Breeze Bay,100 metres either side of the wreck,
(Map Reference N36:927-347).

(42) Site of the Thornycroft Torpedo Boat slipway (c1885), in Magazine Bay Lyttelton, comprising the foreshore from the old seawall in front of the Magazine Building, (Map Reference M36:861-330) to a concrete slipway, (presently unused) immediately to the south of the wall.

(43) The Ballast Quarry landing Sites and the Ships Graveyard of Quail Island, Lyttelton Harbour/Whakaraupo, comprising all of the foreshore, and the seabed within 50 metres of the shore, from the northern point of the island, (Map Reference M36:852-316) in a south westerly direction to the south westernmost point on the island, (Map Reference M36:845-306).

(44) The site of the hot spring on Rapaki Beach, Lyttelton Harbour/Whakaraupo, (Map Reference M36:844-333).

(45) The Rock Breakwater that formed the WWII Naval Wharf (1942), in Tikao Bay, Akaroa Harbour,
(Map Reference N36:029-125).

(46) The French Landing Site, French Bay, Akaroa Harbour, comprising the foreshore from the Main Wharf, (Map Reference N36:071-110) to Daly's Wharf,
(Map Reference N36:073-114).

(47) Site of the Wreck of the Holmbank (1963), near Peraki Bay, Banks Peninsula, comprising the foreshore and seabed within 50 metres of the shore between the Western headland of Peraki Bay, (Map Reference N37:945-036), and the Eastern headland of Robin Hood Bay, (Map Reference N37:939-039).

(48) Site of the Wreck of the Lyttelton (1886), off Timaru Yacht Club, comprising the seabed within a radius of 200 metres of a point 400 metres north east of the northernmost point of the North Mole at the Port of Timaru,
(Map Reference J39/K39:713-457).

S5.13 Areas of Banks Peninsula to be Maintained in their Present Natural States, Free of Additional Structures

Rule 8.5 (c) and Rule 8.6 provide for the erection or placement of certain structures within the following areas of Banks Peninsula to be non-complying activities. Refer to Policy 8.15 and the Planning Maps.

S5.13.1 Port Levy/Koukourarata

Port Levy/Koukourarata is the Coastal Marine Area of the whole embayment contained within a line from Adderley Head at map reference N36:960-337 to Baleine Point at map reference N36:982-337.

S5.13.2 Pigeon Bay

Pigeon Bay is the Coastal Marine Area of the whole embayment contained within a line from Pigeon Point at map reference N36:029-316 to Wakaroa Point at map reference N36:045-316.

S5.13.3 Menzies Bay

Menzies Bay is the Coastal Marine Area of the whole embayment contained within a line from the heads at map reference N36:069-304 to Otohuao Head at map reference N36:083-305.

S5.13.4 Decanter Bay and Little Akaloa Bay

Decanter Bay and Little Akaloa Bay is the Coastal Marine Area of the whole embayments of Decanter Bay and Little Akaloa Bay contained within a line from the Decanter Bay heads at map reference N36:100-292 to a point on land at map reference N36:120-284.

S5.13.5 Okains Bay

Okains Bay is the Coastal Marine Area of the whole embayment contained within a line from West Head at map reference N36:159-259 to East Head at map reference N36:172-251.

S5.13.6 Lavericks Bay

Lavericks Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N36:187-215 to a point on land at map reference N36:189-209.

S5.13.7 Le Bons Bay

Le Bons Bay is the Coastal Marine Area of the whole embayment contained within a line from Katawa Head at map reference N36: 197-200 to Steep Head at map reference N36:201-190.

S5.13.8 Hickory Bay

Hickory Bay is the Coastal Marine Area of the whole embayment contained within a line from Putakolo Head at map reference N36:204-145 to a point on land at map reference N36:191-133.

S5.13.9 Goughs Bay

Goughs Bay is the Coastal Marine Area of the whole embayment contained within a line from North Head at map reference N36: 192-120 to South Head at map reference N36: 186-103.

S5.13.10 Fishermans Bay, Shell Bay and Red Bay

Fishermans Bay, Shell Bay and Red Bay is the Coastal Marine Area of the whole embayment contained within a line from Goat Point at map reference N37:182-082 to Red Bluff at map reference N37:168-072.

S5.13.11 Otanerito Bay and Sleepy Bay

Otanerito Bay and Sleepy Bay is the Coastal Marine Area of the whole embayment contained within a line from Pompeys Pillar at map reference N37:163-060 to Long Reef Point at map reference N37:147-059.

S5.13.12 Stony Bay

Stony Bay is the Coastal Marine Area of the whole embayment contained within a line from Long Reef Point at map reference N37:147-059 to Short Reef Point at map reference N37:137-054.

S5.13.13 Akaroa Harbour

Akaroa Harbour is the Coastal Marine Area of Akaroa Harbour enclosed by the boundaries of the Coastal Marine Area and a line from Akaroa Head at map reference N37:083-019 to Timutimu Head at map reference N37:059-010.

S5.13.14 Island Bay

Island Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N37:994-014 to a point on land at map reference N37:992-017.

S5.13.15 Long Bay

Long Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N37:988-019 to a point on land at map reference N37:977-019.

S5.13.16 Peraki Bay

Peraki Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N37:949-031 to a point on land at map reference N37:945-037.

S5.13.17 Robin Hood Bay

Robin Hood Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N37:939-039 to a point on land near Hells Gate at map reference N37:927-043.

S5.13.18 Te Oka Bay

Te Oka Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land at map reference N37:922-045 to a point on land near Boaz at map reference N37:914-052.

S5.13.19 Tumbledown Bay

Tumbledown Bay is the Coastal Marine Area of the whole embayment contained within a line from a point on land near Boaz at map reference N37:914-052 to a point on land at map reference N37:911-056.

S5.13.20 Tokoroa Bay and Hikuraki Bay

Tokoroa Bay and Hikuraki Bay is the Coastal Marine Area contained within a line from a point on land at map reference M37:890-074 to a point on land at map reference M37:885-079.

Appendix 1 Definition of Terms

The use of italics in this glossary indicates meanings taken from Section 2 of the Resource Management Act 1991 (RM Act).

Active beach system

is that part of the beach immediately landward of Mean High Water Springs (the Coastal Marine Area boundary) where coastal processes are actively shaping the landform and determining the vegetation characteristics.

Amenity values

means those natural or physical qualities and characteristics of an area that contribute to peoples' appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Area of Significant Natural Value

is an area that has been adopted as an area of natural significance by this plan and is listed in Schedule 1. The areas are also shown on the Planning Maps in Volume 2. The existence of significant: Maori cultural values; protected areas; wetlands, estuaries and coastal lagoons; marine mammals and birds; ecosystems, flora and fauna habitats; scenic sites; historic places; and coastal landforms and associated processes of the Areas of Significant Natural Value are identified in Schedule 1. These areas are based on those identified as an area of conservation significance by the Department of Conservation.

Authorised Structure

Means a Structure that is expressly allowed to occupy the Coastal Marine Area:

(a) a structure, the erection and placement of which has been authorised:

  (i) as a Permitted Activity by a rule in this plan; or

  (ii) by a resource consent issued in accordance with the rules in this plan; or

  (iii) by a resource consent issued prior to 2 July 1994; or

  (iv) by a permission, licence, permit or authority deemed to be a coastal permit by Section 384 of the Act;

  or

(b) a swing mooring that was erected or placed, or occupied the Coastal Marine Area, through a permission, licence, permit or authority issued under Bylaws made under Part VI of the Harbours Act 1950 prior to 1 October 1991, and where the permission, licence, permit or authority remained current on 1 October 1991; or

(c) a structure that is part of a marine farm for which a lease or licence was granted under the Marine Farming Act 1971 for the marine farm, including the structure, prior to 1 October 1991, and where the lease or licence remained current on 1 October 1991; or

(d) a structure for which a plan is provided in sufficient detail to show the location of the structure and the area of the Coastal Marine Area that it occupies.

(e) all structures in Port Operational Areas erected prior to the enactment of the Resource Management Act 1991.

Clubhouse

Means:

Enclosed premises in the Coastal Marine Area that are used for club activities associated with boating and marine activities in the adjacent waters of the CMA.

Bed

means - (d) in relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

Biodiversity

variability among living organisms from all sources including among other things, terrestrial, marine, and other aquatic ecosystems, and the ecological complexes of which they are a part. This includes diversity within species, between species, and of ecosystems. (United Nations Convention on Biological Diversity, 1992).

Biota

the animal and plant life of a region.

Boatshed Area

means an area defined as a Boatshed Area by Schedule 5. These areas are only defined for parts of Lyttelton and Akaroa Harbours and are areas that already have significant numbers of established boatsheds.

BOD_5

means biochemical oxygen demand over a five day period. It is the amount of oxygen measured as having been consumed by decomposing organisms and oxygen-demanding chemical reactions after five days.

Climate change

alterations to fundamental climatic factors such as average temperatures and the frequency of extreme events.

Coastal environment

an environment in which the coast usually is a significant part or element. The coastal environment will vary from place to place depending upon the extent to which it affects or is (directly) affected by coastal processes and the management issue concerned. It includes three distinct but interrelated parts: the Coastal Marine Area; the active coastal zone; and the land backdrop.

The coastal environment includes: at least the Coastal Marine Area, the water, plants, animals, and the atmosphere above it; and all tidal waters and the foreshore whether above or below mean high water springs; dunes; beaches; areas of coastal vegetation and coastal associated fauna; areas subject to coastal erosion or flooding; salt marshes; sea cliffs; coastal wetlands, including estuaries; and coastal landscapes

Coastal Marine Area

means that area of the foreshore and seabed: -

(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.

The outer limit of the territorial sea and the Coastal Marine Area is 12 nautical miles offshore.

Coastal Water

means seawater within the outer limits of the territorial sea and includes –

(a) Seawater with a substantial fresh water component; and

(b) Seawater in estuaries, fiords, inlets, harbours, or embayments.

Consent authority

Means: the Minister of Conservation, a regional council, or a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under the Resource Management Act.

Contaminant

includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat - (a) when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or (b) when discharged onto or into land or into air, changes or is likely to change the physical chemical, or biological condition of the land or air onto or into which it is discharged.

Discharge

includes emit, deposit and allow to escape.

Ecology

the relationship between organisms and between organisms and their physical surroundings, and the study of the relationship.

Ecosystem

plants, animals, their physical environment, and the dynamic processes that link them.

Effect

In the Act, unless the context otherwise requires, the term 'effect' in relation to the use, development, or protection of natural and physical resources, or in relation to the environment, includes - (a) any positive or adverse effect; (b) any temporary or permanent effect; (c) any past, present, or future effect; (d) any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes - (e) any potential effect of high probability; and (f) any potential effect of low probability which has a high potential impact.

Emergency works

means works that are undertaken in accordance with Section 330 of the Act to remove the cause of, or mitigate any actual or likely adverse effect of, an emergency.

Enhance

to intensify or increase in quality or value.

Environment

In the Act means:

(a) ecosystems and their constituent parts, including people and communities; and

(b) all natural and physical resources; and

(c) amenity values; and

(d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in (a) to (c) of this definition or which are affected by those matters.

Environment Canterbury

is the name by which the Canterbury Regional Council is referred to in this plan.

Environmental results anticipated

the intended result or outcome on the environment as a consequence of implementing the policy or policies and methods of implementation. It provides a means of assessing the success of the objectives, policies and methods.

Erosion

the wearing away of the land surface by natural agents and the transport of the material that results.

Exotic Plant Species

means a plant species that is not indigenous to New Zealand.

Explanation

a statement to provide background and facilitate understanding. Explanations are not intended to extend or distort the literal meaning and intent of policies.

Fauna

animals.

Fish

means all species of fish including:

(a) all species of finfish at all stages of their life history;

(b) all crustacea, shellfish, sponge and echinoderms at all stages of their life history; and

(c) all species of animal life (except birds) which at any time of the life history of the species must inhabit water.

Fish and Game Council

means a Fish and Game Council established under the Conservation Act 1987.

Flora

plants.

Foreshore

means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the Coastal Marine Area.

Government Agency

means any department, office, corporation, agency, or instrument of any kind of the legislative or executive or judicial Government of New Zealand, but does not include a State enterprise named in the First or Second Schedules to the State-Owned Enterprises Act 1986:

Habitat

the natural home of plants or animals, or communities of them. It has both biological and physical components which among other things may include water, rocks, soil, or vegetation.

Habitable

in relation to dwellings, buildings or structures means suitable for residential use in that they have facilities for habitation such as food storage and preparation, sleeping, washing and toiletting. The term includes dwellings, apartments and travellers' accommodation, but excludes workplace facilities provided by an employer for the part-time use of employees who reside permanently elsewhere.

Hapu[23]

sub-tribe, clan, or section of a large tribe.

Hazardous substance

As in the Hazardous Substances and New Organisms Act 1996 (Section 2) means: unless expressly provided otherwise by regulations, any substance:

(a) with one or more of the following intrinsic properties;

(i) explosiveness;

(ii) flammability;

(iii) a capacity to oxidise;

(iv) corrosiveness;

(v) toxicity (including chronic toxicity);

(vi) ecotoxicity, with or without bioaccumulation; or

(b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous wastes

In the Act means waste material, including its containers or packaging, containing hazardous substances either singly or in combination with other material.

Heritage site

any place of special cultural, architectural, historical, scientific, ecological or other interest.

Historic Place

in Schedules 1 and 2 means a place that has identified historic value as a place of an important historic event or that contains physical material of high historic value.

[23] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa.

Indigenous flora and fauna

a species which occurs naturally in New Zealand, and has established without the aid of human intervention. In this Plan use of the term is also intended to include flora and fauna introduced by Maori prior to European settlement.

Intake Structure

means an Authorised Structure that is constructed and used solely for the taking of coastal water, and includes associated structures that protect the intake structure from tides or currents or secure or anchor the structure to the foreshore or seabed.

Intrinsic values

in the Act in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including:

(a) their biological and genetic diversity; and

(b) the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

Introduced flora and fauna

this only includes plants and animals introduced to New Zealand since the arrival of Europeans.

Issue

a matter of concern to the region's community in relation to some aspect of natural and physical resources and the environment of the region.

Iwi[24]

tribe or people.

Iwi authority

means the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

Iwi Plan, or Iwi Management Plan,

a management plan prepared and approved by an iwi authority.

Kaimoana

means food sourced from the sea.

Kaitiaki[2]

means the tangata whenua of an area who exercise Kaitiakitanga.

Kaitiakitanga

means the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.

[24] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

Kawanatanga[25]

governorship, or the obligation to govern

Land

includes land covered by water and the air space above land.

Landscapes

natural features and landscapes are categories that sometimes overlap. As a general rule features tend to be smaller in extent and are experienced from the outside, while landscapes cover large areas and are experienced from within. Natural means a predomination of elements that are natural rather than made by people.

Local authority

means a regional council or territorial authority.

Mai-mai

means a structure constructed with, or covered by, natural material found at the site, that is used and constructed solely for the purpose of providing camouflage for recreational shooters during a game bird season.

Main Navigational Channel

means an area defined as a Main Navigational Channel by Schedule 5. Such areas are defined for the Ports of Lyttelton and Timaru and are the dredged channels through which large vessels gain access to the Ports. (See the Planning Maps.)

Maintenance Dredging

means any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of vessels, in navigation channels and at berthing and mooring facilities, including marina developments.

Mana

means power, authority or prestige.

Mana whenua

in the Act means customary authority exercised by an iwi or hapu in an identified area.

Maori[26]

ordinary people. Since 1820 used to distinguish the native, indigenous, people of this country, the Tangata Whenua.

Mahinga kai[27]

food and other resources, and the areas that they are sourced from.

---

[25] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

[26] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

[27] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

Maintenance dredging

any dredging of the bed of the sea necessary to maintain water depths to previously approved levels for the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities, including marina developments.

Marae

means a courtyard, meeting place of tangata whenua.

Mauri

means essential life force or principle; a metaphysical quality inherent in all things, both animate and inanimate.

Mean High Water Springs (MHWS)

The estimating equation for the Canterbury Region is:

MHWS = S0+M2+ N2

where S0 is the long term mean sea level and M2 is the amplitude of the lunar semi-diurnal tide and N2 is the amplitude of the elliptic semi-diurnal tide. According to this equation values of the sum, M2+N2, in millimetres above mean sea level within the Canterbury Region include: Oamaru (820), Timaru (980), Rakaia River Mouth (950), Akaroa (1010), Lyttelton (1080), Whitewash Head (1090), Ferrymead (940), Saltwater Creek (near Waimakariri River Mouth) (800), Kaikoura (830).

Method

a specific action, procedure, programme or technique adopted to carry out a policy.

Mitigate

in relation to an effect, means to lessen or eliminate the severity or incidence of an effect, and includes compensation both before and after the effect.

Mooring [28]

any weight or article placed in or on the foreshore, or the bed of a harbour, navigable lake, navigable river, or of the sea for the purpose of securing a ship, raft, aircraft, or floating structure; and includes any wire, rope, buoy, or other device attached or connected to such weight or article, but does not include an anchor which is normally removed with a ship, raft, aircraft, or floating structure when it leaves a site or anchorage.

Motorised

means being propelled or driven wholly by, or with the assistance of, a motor.

Mouth

for the purpose of defining the landward boundary of the Coastal Marine Area, means the mouth of a river either - (a) as agreed and set between the Minister of Conservation, the Regional Council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or (b) as declared by the Environment Court under Section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative.

---

28 Harbours Act 1950

New Zealand Coastal Policy Statement (NZCPS)

means a statement issued under Section 57 of the Act.

Natural character

Natural character is a relative term which reflects the extent to which a place, area, or landscape in the coastal environment is a product of nature rather than culture (Human activity). An area that has high natural character will generally have, (or be perceived to have), a dominance of natural elements, and an absence of cultural elements such as structures and modification. However, almost all areas of the coast retain some natural character. Elements of natural character include landforms such as sea cliffs, wave-cut platforms, sand dunes and estuaries; water and associated characteristics (such as clarity and salinity); coastal processes such as wave and tide action, beach formation processes and sediment transfer; coastal ecosystem functioning and resilience and plant and animal species.

Natural and physical resources

includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural features

natural features and landscapes are categories that sometimes overlap. As a general rule features tend to be smaller in extent and are experienced from the outside, while landscapes cover large areas and are experienced from within. Natural means a predomination of elements that are natural rather than made by people.

Natural hazard

means 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.

Network utility operator

means a person who -

(a) Undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy; or

(b) Operates or proposes to operate a network for the purpose of telecommunication or radiocommunication as defined in section 2(1) of the Telecommunications Act 1987; or

(c) Is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or

(d) Undertakes or proposes to undertake the distribution of water for supply (including irrigation); or

(e) Undertakes or proposes to undertake a drainage or sewerage system; or

(f) Constructs, operates, or proposes to construct or operate, a road or railway line; or

(g) Is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or

(h) Is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or

(i) Undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under the Act.

Network utility structure

means a structure that is part of an operation undertaken or proposed to be undertaken by a network utility operator.

Network utility system

means a network operated by a network utility operator, and includes a network of communication equipment, transmission lines, pipes, drains, cables, roads or rails.

Ngai Tahu[29]

(Kai Tahu, when written in dialect form) - the tribal group holding mana whenua in Te Waipounamu, the area from Kahuraki Point on the West Coast and Te Parinui-o-Whiti (Vernon Bluffs) on the east, and all places south 'until the land turns white'.

Ngai Tahu Whanui

refers to the collective of the individuals who descend from the primary hapu of Waitaha, Ngati Mamoe, and Ngai Tahu, namely, Kati Kuri, Kati Irakehu, Kati Huirapa, Ngai Tuahuriri, and Kai Te Ruahikihiki as described in Section 2 of the Te Runanga o Ngai Tahu Act 1996.

Nohoanga

means a customary food gathering or living area. Under the Ngai Tahu Claims Settlement Act 1998 customary fishing reserves have been established with this same name. Nohoanga are temporary campsites to facilitate customary fishing and gathering of other resources.

Noise

includes vibration.

Non-point discharge

run-off or leachate from land, onto or into land, air, a water body or the sea.

Nutrient

In relation to monitoring water quality means the various forms of phosphorous and nitrogen.

Objective

a statement of a desired outcome.

Occupation

Section 12(4) of the Resource Management Act defines 'occupy' and 'occupation' as:

(a) Occupy means the activity of occupying any part of the Coastal Marine Are, -

(i) Where that occupation is reasonably necessary for another activity; and

(ii) Where it is to the exclusion of all or any class of persons who are not expressly allowed to occupy that part of the Coastal Marine area by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent; and

[29] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

(iii) For a period of time and in a way that, but for a rule in the regional coastal plan or the holding of a resource consent under this Act, a lease or licence to occupy that part of the Coastal Marine Area would be necessary to give effect to the exclusion of other persons, whether in a physical or legal sense;-

and 'occupation' has a corresponding meaning.

Open coastal water

in the Act means coastal water that is remote from estuaries, inlets, harbours, and embayments.

Operational Area of a Port

means an area defined as an Operational Area of a Port by Schedule 5. Such areas are defined for the Ports of Lyttelton and Timaru, and are the areas within which vessel mooring and berthing and cargo handling activities generally take place. (Refer to Schedule 5.11)

Outfall Structure

means an Authorised Structure that is constructed and used solely for the discharge of water and/or contaminants into the Coastal Marine Area, and includes associated structures that protect the intake structure from tides or currents or secure or anchor the structure to the foreshore or seabed.

Papatipu Runanga

means Marae based runanga. The 18 Papatipu Runanga as described in the Te Runanga o Ngai Tahu Act 1996.

Pile Mooring Area

means the areas for pile and pontoon moorings containing the Lyttelton Inner Harbour Pile Moorings, the Magazine Bay Marina, and the Diamond Harbour Pile moorings. The Pile Mooring Areas are shown on the Planning Maps in Volume 2.

Plan

means a regional plan or district plan.

Point discharge

a discharge from a specific and identifiable outlet, onto or into land, air, a water body or the sea.

Policy

a statement that guides or directs decision-making. A policy indicates a commitment to a course of action in working towards an objective.

Protected Area

in Schedules 1 and 2 means an area protected as a Conservation or Local Authority Reserve or protected by legislation.

Radiocommunication Facility:

means any device for transmitting or receiving radiocommunications, including aerials, dishes, antenna, cables, wires and associated equipment or apparatus, and including associated support structures such as towers, masts, poles and ancillary buildings.

Rangatiratanga[30]

see tino rangatiratanga.

Reasons

the principal reasons for adopting the objectives, policies, and methods of implementation set out in the statement.

Reclamation

the permanent infilling of the foreshore or seabed with sand, rock, quarry material, concrete, or other similar material where such infilling results in a surface useable for any purpose greater than 2 metres in width above the level of Mean High Water Springs. It includes any embankment, but does not include any structure above water that is supported by piles, or any infilling with the purpose of providing beach nourishment.

Recreational attributes

those qualities of a place or area which contribute to recreational enjoyment or provide a resource (surf, clear water, fish, boat launching areas, sheltered water) for people to use for recreation.

Region

means, in relation to a regional council, the region of the regional council as determined in accordance with the Local Government Act 1974.

Regional coastal plan

means an operative plan approved by the Minister of Conservation under the First Schedule of the Act, and includes all operative changes to such a plan (whether arising from a review or otherwise).

Rescue Organisation

means the Police, the Fire Service, the Coast Guard, a yacht club, the Sea Cadets, the Sea Scouts, a windsurf club, a life saving club, or the Sumner Life Boat Institution.

Rohe (takiwa)

means boundary or area.

Runanga[7]

a local representative Maori group. A Maori equivalent of local government formed to protect and defend the rangatiratanga, mana whenua, the turangawaewae, and the cultural and social values of its members.

Sediment

means solid natural material, both mineral and organic that has settled on the seabed or foreshore after being in suspension in seawater.

Scenic Site

in Schedules 1 and 2 means a site that has high landscape value that comprise a significant scenic vista.

[30] After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

Ship[31]

means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

(a) A barge, lighter, or other like vessel;

(b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; and

(c) A submarine or other submersible.

Significant amenity value

having an amenity value recognised and enjoyed outside the immediate area i.e. by people or groups from within and outside the Canterbury Region.

Solid Structure

one fixed to the foreshore or seabed and presenting a significant barrier to water or sediment movement.

Solid waste

primarily solid contaminants for which disposal by discharge into the environment is intended, or for which disposal by discharge into the environment would be necessary if other processes such as re-use or recovery cannot be applied.

Statutory Acknowledgement

Statutory Acknowledgements are set out in the Ngai Tahu Claims Settlement Act 1998 and recognise Ngai Tahu mana in relation to a range of sites and areas in the South Island. They provide for the recognition of this mana to be reflected in the management of those areas through Resource Management Act 1991 processes.

Structure

means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

Sustainable management

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; (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.

Swing Mooring Area

means an area defined as a Swing Mooring Area by Schedule 5. The Swing Mooring Areas contain large numbers of swing moorings, and are shown on the Planning Maps in Volume 2. The areas are located at Cass Bay, Corsair Bay and Purau Bay in Lyttelton Harbour /Whakaraupo and at Akaroa, Takamatua Bay, French Farm Bay and Tikao Bay in Akaroa Harbour.

[31] Maritime Transport Act 1994

Taiapure

means local fishery and identifies an area that has customarily been of special significance to an iwi or hapu as a source of food or for spiritual or cultural reasons. Taiapure are legally recognised under the Maori Fisheries Act 1989.

Takiwa (rohe)

means boundary or area.

Tangata Whenua[32]

people of the land, the people who hold the turangawaewae and the mana whenua in an area, according to tribal and hapu custom.

Taonga[9]

treasured possessions, includes both tangible and intangible treasures, for example, the Maori language.

Taonga Species

are species of birds, plants, and animals with which Ngai Tahu have a recognised cultural, spiritual, historic, and traditional association as defined in section 287 Ngai Tahu Claims Settlement Act 1998.

Tauranga waka

canoe landing sites.

Telecommunication Facility:

means any telephone exchange, telephone booth, telephone cabinet or pay phone, or any other structure, facility or apparatus intended for the purpose of effecting telecommunication.

Telecommunication Line:

means a wire or wires or a conductor of any other kind (includes a fibre optic cable) used or intended to be used for telecommunication, and includes any pole, insulator, casing, minor fixture, tunnel or other equipment or material used, or intended to be used, for supporting, enclosing, surrounding or protecting any such wire or conductor, and also includes any part of a line.

Territorial local authority

a city council or a district council.

Te Runanga o Ngai Tahu

means the body corporate of Ngai Tahu Whanui as established under the Te Runanga o Ngai Tahu Act 1996.

Territorial sea

means the territorial sea of New Zealand as defined by Section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977.

32 After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

Tikanga

means Maori people-based rules and regulations, these can vary according to place and time.

Tino rangatiratanga[33]

full chieftainship and authority, including the right to permit or deny others inherent sovereignty.

Topuni

means an area of land which has Ngai Tahu values, and is declared as Topuni under section 238 of the Ngai Tahu Claims Settlement Act 1998. The concept derives from the traditional Ngai Tahu custom where rangatira extend their mana over areas or people by placing their cloak over them.

Topuni are landscape features of special importance or value to Ngai Tahu. They place an overlay of Ngai Tahu values on specific pieces of land managed by the Department of Conservation and ensure that Ngai Tahu values are recognised, acknowledged and provided for.

Treated sewage

for the purpose of classification of sewage discharged from vessels shall have the same meaning as that prescribed by Regulations for that purpose made under the Act.

Untreated sewage

sewage which has received no treatment or only primary treatment, which is physical treatment to remove or break up solid waste.

Urupa

places where Maori bury their dead, often enclosed.

Vehicle

means any wheeled or tracked device, or hovercraft, or ski equipped device, capable of carrying a person or persons, whether or not it is also capable of flight or being used on or over water.

Vessel

means a ship, boat, hovercraft, or any other description of vessel used or designed to be used in navigation, and includes:

(a) any sailing, powered or rowing boat; or

(b) any canoe, kayak, waka, catamaran, sailing or powered dinghy, sailing or powered novelty craft, run-about, launch or any other small craft, however powered; or

(c) any jet ski, wetbike or other personal water craft; or

(d) any barge, lighter, or other like vessel; or

(e) any hovercraft or other thing deriving full or partial support in the atmosphere from the force of air against the surface of the water over which it operates; or

(f) any submarine or other submersible;

33 After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

but does not include a water ski, toboggan, surfboard, windsurfer or sailboard.

Wahi taonga[34]

places (wahi) of special value.

Wahi tapu[35]

places of sacred and extreme importance.

Whanau

means family or extended family group.

34 After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

35 After Tau, Goodall, Palmer, and Tau (1990) Te Whakatau Kaupapa

Appendix 2 Sections 88, 92, 138A and the Fourth Schedule

The use of italics in this Appendix indicates reproduction from the Resource Management Act 1991.

Section 88 Making an application -

"(1) A person may apply to the relevant local authority for a resource consent.

(2) An application must—

(a) be made in the prescribed form and manner; and

(b) include, in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

(3) If an application does not include an adequate assessment of environmental effects or the information required by regulations, a local authority may, within 5 working days after the application was first lodged, determine that the application is incomplete and return the application, with written reasons for the determination, to the applicant.

(4) If, after an application has been returned as incomplete, that application is lodged again with the relevant local authority, that application is to be treated as a new application.

(5) Sections 357 and 358 apply to a determination that an application is incomplete."

Section 92 Further information may be required -

(1) A consent authority may, at any reasonable time before the hearing of an application for a resource consent or before the decision to grant or refuse the application (if there is no hearing), by written notice, require the applicant for the consent to provide further information relating to the application.

(2) A consent authority may commission a report from any person on any matters raised in relation to the application, including a review of any information provided in an application under section 88 or under this section if,—

(a) in the opinion of the consent authority, the activity for which the resource consent is sought may have a significant adverse environmental effect; and

(b) the applicant is notified before the report is commissioned.

(3) Any further information requested or a report commissioned under this section must be available at the office of the consent authority no later than 10 working days before the hearing of an application.

(4) This section does not apply to reports prepared under section 42A.

(5) Sections 357 and 358 apply to subsections (1) and (2).

Section 138A Special provisions relating to coastal permits for dumping and incineration

Section 138A, as amended by Section 15 of the Resource Management Amendment Act 1994, requires:

"(1) Without limiting section 104, when considering an application for a coastal permit to do something that would otherwise contravene section 15A(1), the consent authority shall, in having regard to the actual and potential effects of allowing the activity, have regard to -

(a) The nature of any discharge of any contaminant which the dumping or incineration may involve and the sensitivity of the receiving environment to adverse effects and the applicant's reasons for making the proposed choice; and

(b) Any possible alternative methods of disposal or combustion including any involving discharge into any other receiving environment, -

and, without limiting the powers of the consent authority under section 92, it may, at any reasonable time before the hearing (or, if there is no hearing, the determination) of the application, by written notice to the applicant, require the applicant to provide, by way of further information, an explanation of those matters."

The Resource Management (Marine Pollution) Regulations 1998, which are annexed to this Plan, specify in Part I of Schedule 3 of the Regulations, the information that must be provided by an applicant for a coastal consent to dump waste or other material. Applicants should refer to these Regulations.

Fourth Schedule - Assessment of Effects on the Environment

"1. Matters that should be included in assessment of effects on the environment—

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 should include—

(a) A description of the proposal:

(c) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:

(d) Repealed

(e) An assessment of the actual or potential effect on the environment of the proposed activity:

(f) Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:

(g) Where the activity includes the discharge of any contaminant, a description of—

(i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and

(ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:

(h) A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

(i) An identification of those persons interested in or affected by the proposal, the consultation undertaken, if any, and any response to the views of those consulted:

(j) Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

2. Matters that should be considered when preparing an assessment of effects on the environment—

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

(a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects:

(b) Any physical effect on the locality, including any landscape and visual effects:

(c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

(d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations:

(e) Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:

(f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

This page is intentionally blank

Appendix 3 Coastal Hazard Zone: Definitions and Explanations

Hazard Zones

Hazard Zone 1

(a) For stable or accretionary shorelines:

Where there is no evidence of shoreline erosion, the width of Hazard Zone 1 is the area landward of the Coastal Marine Area boundary to the landward limit of the active beach system. This position is determined either by ground survey, or from aerial photography.

(b) For most eroding shorelines:

The width of Hazard Zone 1 includes the active beach system and the area landward of this, which is likely to be part of the active beach system if contemporary erosion processes continue unaltered for the next 50 years. Hence, the landward limit of Hazard Zone 1 corresponds to the projected position of the landward toe of the active beach system.

The width of Hazard Zones has been determined by interpolating the rate of shoreline retreat between fixed determination points. For all determination points, except for some special situations listed below, there was no evidence of a change in the long-term rate of shoreline retreat. Therefore, the longest term historical erosion rates have been used. These will include short term fluctuations.

Special situations where these factors do not apply:

(i) Washdyke-Seadown coast and Waimataitai area;

(ii) South Brighton Spit;

(iii) Motunau;

(iv) Cliffed coastline in North Canterbury- Waipara to Haumari Bluffs;

(v) Sections of the Kaikoura coast bordered by the main road or railway.

Hazard Zone 2

No Hazard Zone 2 is defined for:

Stable or accreting shorelines;

Motunau Village;

The Kaikoura Coast north of the Conway River.

For eroding shorelines, Hazard Zone 2 is landward of Hazard Zone 1, and covers areas that could become part of the active beach system within 50 to 100 years if the erosion rates used to calculate Hazard Zone 1 were to continue unaltered for 100 years.

This page is intentionally blank

Appendix 4 Land and areas administered by the Department of Conservation

Policy 4.1.1 of the New Zealand Coastal Policy Statement requires this plan to identify land and areas under the Conservation Act 1987 and other land and areas administered by the Department of Conservation so that their status will be taken into account in deciding resource consents.

The Canterbury Conservancy of the Department of Conservation covers the region from the Conway and Clarence Rivers in the north to the Waitaki River Catchment in the south. The Nelson-Marlborough Conservancy of the Department of Conservation covers the remainder of the region (Kaikoura District) in the north.

The land and areas administered by the Department of Conservation are contained in the Conservation Management Strategies for each Conservancy. Section 17D(7) of the Conservation Act 1987 requires all areas managed by the Department to be listed in the Strategies.

To determine whether or not a resource consent affects these areas, reference should be made to the Conservation Management Strategies. The strategies for each Conservancy may be purchased or viewed at the offices of the Department of Conservation.

This page is intentionally blank

ANNEX
Resource Management (Marine Pollution) Regulations 1998

This Annex contains a copy of the Resource Management (Marine Pollution) Regulations 1998 as amended by the Resource Management (Marine Pollution) Amendment Regulations 2002.

Section 68(8) of the Resource Management act 1991 requires that:

"Where regulations have been made under section 360(1)(ha) deeming rules to be included in a regional coastal plan or proposed regional coastal plan, the relevant regional council shall, as soon as reasonably practicable after the date on which the regulations are made, revoked, or cease to apply to its region,—

(k) Give public notice of the fact that such regulations have been made or revoked or have ceased to apply, as the case may be, and in such detail as the council considers appropriate, generally describe the nature of any rules deemed to be included in the plan or proposed plan by those regulations; and

(l) Ensure that a copy of any regulations deeming rules to be included in the plan or proposed plan is annexed to, and appropriate annotations are made in, every copy of that plan or proposed plan that is under the regional council's control."

This page is intentionally blank

RESOURCE MANAGEMENT (MARINE POLLUTION) REGULATIONS 1998

CONTENTS

1. Title and commencement

(1) These regulations may be cited as the Resource Management (Marine Pollution) Regulations 1998.

(2) These regulations come into force on 20 August 1998.

2. Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Resource Management Act 1991:

Carrying in bulk means the carriage of a noxious liquid substance in the cargo spaces of a ship without any form of intermediate containment or packaging:

Clean ballast water means ballast water and contaminants carried in a tank used to carry a noxious liquid substance or oil,—

(a) Where the tank has been thoroughly cleaned since last used to carry a noxious liquid substance, and the residue from that cleaning discharged with the tank being emptied; or

(b) Where the tank has been thoroughly cleaned since last used to carry oil and the ballast water and contaminants, when discharged, would not contain oil exceeding 15 parts per million:

En route means that a ship is under way at sea on a course, or courses:

Garbage means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship or offshore installation and liable to be discharged continuously or periodically; but does not include oil, noxious liquid substances, and sewage:

Grade A treated sewage means sewage discharged from a treatment system included in Schedule 5 or Schedule 6 that is maintained and operated in good working order and in accordance with any instructions of the system's manufacturer:

Grade B treated sewage means sewage discharged from a treatment system included in Schedule 7 that is maintained and operated in good working order and in accordance with any instructions of the system's manufacturer:

Noxious liquid substance means any substance specified in Schedule 1; and includes any mixtures of those substances:

Oil means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and refined petroleum products (other than petrochemicals which are noxious liquid substances), and includes the substances specified in Schedule 2:

Oil spill has the same meaning as in section 281 of the Maritime Transport Act 1994:

Plastics includes synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic or heavy metal residues:

Platform drainage means the drainage water from the machinery space on an offshore installation, and—

(a) Includes all water and contaminants from generators, fuel tanks, and pumps; but

(b) Does not include any water or contaminant from processing, production, or displacement associated with exploration, drilling, or production activities which are undertaken by the offshore installation:

Segregated ballast water means ballast water and contaminants in a ship's tank where that tank is completely separated from cargo oil and fuel oil systems and is permanently allocated to the carriage of ballast water or cargoes other than oil or noxious liquid substances:

Sewage means, in relation to a ship or offshore installation,—

(a) Drainage and other wastes from any form of toilet, urinal, or toilet scupper:

(b) Drainage from wash basins, wash tubs, and scuppers located in any dispensary, sick bay, or other medical premises:

(c) Drainage from spaces containing living animals:

(d) Waste waters mixed with the drainage and wastes specified in paragraphs (a), (b), or (c):

PART 1—DEFINITION PRESCRIBED FOR ACT

3. Definition of "harmful substances"

The following substances are harmful substances for the purposes of the definition of the term "harmful substances" in section 2(1) of the Act:

(a) Petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined petroleum products (other than petrochemicals which are noxious liquid substances); and includes the substances specified in Schedule 2:
(b) Any substance specified in Schedule 1 and any mixture of those substances if carried in bulk in a ship:
(c) Drainage and other wastes from any form of toilet, urinal, or toilet scupper on a ship or offshore installation:
(d) Drainage from wash basins, wash tubs, and scuppers located in the dispensary, sick bay, or other medical premises of a ship or offshore installation:
(e) Drainage from spaces on a ship or offshore installation containing living animals:
(f) Waste water from a ship or offshore installation mixed with the drainage and waste specified in paragraphs (c), (d), or (e):
(g) All victual, domestic, and operational waste (other than fresh fish or parts of fresh fish) generated during the normal operations of a ship or offshore installation and liable to be discharged continuously or periodically.

PART 2—DUMPING AND INCINERATION

4. Dumping of waste or other matter

(1) The dumping of waste or other matter, other than the waste or other matter specified in subclauses (2) and (3), in the coastal marine area from any ship, aircraft, or offshore installation is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
(2) In the coastal marine area the dumping of the following waste or other matter [from any ship, aircraft, or off-shore installation] is deemed to be a discretionary activity in any regional coastal plan or proposed regional coastal plan:
  (a) Dredge material:
  (b) Sewage sludge:
  (c) Fish processing waste from an onshore facility:
  (d) Ships and platforms or other man-made structures at sea:
  (e) Inert, inorganic geological material:
  (f) Organic materials of natural origin:
  (g) Bulky items consisting mainly of iron, steel, and concrete.
(3) This clause does not apply to—
  (a) The dumping or storage of waste or other matter arising directly from, or related to, the exploration, exploitation, and associated offshore processing of, seabed mineral resources; or
  (b) A discharge made in accordance with section 15B of the Act or Part 3 of these regulations.

5. Assessment criteria

(1) Every application under section 88 of the Act for a coastal permit to dump any waste or other matter specified in regulation 4(2) must include the information specified in Part 1 of Schedule 3.
(2) The consent authority must, when considering an application under section 88 of the Act for a coastal permit for any waste or other matter specified in regulation 4(2), have regard to the matters set out in Parts 1 and 2 of Schedule 3 in addition to any other requirement of sections 104 and 138A of the Act.

6. Incineration of waste in marine incineration facility

(1) The incineration of waste or other matter in any marine incineration facility in the coastal marine area is deemed to be a prohibited activity in any regional coastal plan or proposed regional coastal plan.
(2) This clause does not apply to a discharge made in accordance with section 15B or Part 3 of these regulations.

7. Record keeping

(1) Every holder of a coastal permit to carry out an activity that would otherwise contravene section 15A of the Act must keep records describing—
  (a) The types and sources of the waste or other matter dumped:
  (b) The location of dump sites:
  (c) The method of dumping:
  (d) The quantity (in cubic metres) of the waste or other matter dumped.

(2) The records for the preceding calendar year must be provided to the Director of Maritime Safety before 1 February in each year.

PART 3—CONTROL OF DISCHARGES

8. Discharge of substances for purpose of avoiding, remedying, or mitigating oil spill

(1) Any person may, in the coastal marine area, discharge from a ship or offshore installation any substance for the purpose of avoiding, remedying, or mitigating the adverse effects of an oil spill.

(2) This regulation does not authorise the discharge of any substance in contravention of Part XXIII of the Maritime Transport Act 1994 or any marine protection rules made under Part XXVII of that Act.

9. Discharge of oil

(1) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from any ship if—
  (a) The oil is not derived from the cargo of the ship; and
  (b) The ship is proceeding en route; and
  (c) The oil content of the discharge before dilution with any other substance does not exceed 15 parts per million.

(2) Any person may, in the coastal marine area, discharge oil, or mixtures containing oil, from an offshore installation, if—
  (a) The oil content of the discharge before dilution with any other substance does not exceed 15 parts per million; and
  (b) The discharge is platform drainage.

10. Discharge of noxious liquid substances

Any person may, in the coastal marine area, discharge from any ship carrying in bulk a noxious liquid substance, any noxious liquid substance if that noxious liquid substance is part of a discharge of clean ballast water or segregated ballast water.

11. Discharge of sewage in coastal marine area

(1) Before 1 July 2000, any person may discharge sewage in the coastal marine area from a ship or offshore installation, unless that discharge is within 500 metres (0.27 nautical miles) of a marine farm.

(2) On or after 1 July 2000, no person may discharge sewage in the coastal marine area from a ship or offshore installation unless that discharge occurs—
  (a) More than 500 metres (0.27 nautical miles) seaward from mean high water springs; and
  (b) More than 500 metres (0.27 nautical miles) from a marine farm; and
  (c) In water depths greater than 5 metres[; and
  (d) more than 200 metres (0.108 nautical miles) from a marine reserve, except the marine reserve constituted by the Marine Reserve (Kermadec Islands) Order 1990; and
  (e) more than 500 metres (0.27 nautical miles) from an area that the Minister of Fisheries has declared by notice in the Gazette to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.

(3) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to the discharges under this regulation if—
  (a) The rule increases the distances seaward or increases the depth specified in subclause (2) for any harbours, estuaries, embayments, or other parts of a region, or increases the distances from a marine farm, marine reserve, or mataitai reserve specified in subclause (2), for all or any part of the year; and
  (b) The rule takes effect on or after 1 July 2000.

12. Discharge of Grade A treated sewage in coastal marine area

(1) Any person may discharge Grade A treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it within 100 metres of a marine farm.

(2) Despite subclause (1), a rule may be included in a regional coastal plan or a proposed regional coastal plan if the rule—
- (a) relates to discharges of Grade A treated sewage in the internal waters of Fiordland (as defined in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and
- (b) restricts where those discharges may take place, being a distance of at least 100 metres from a marine farm; and
- (c) does not relate to vessels operated by the New Zealand Defence Force.

(3) For the purposes of subclause (2), Fiordland means the coastal marine area between Awarua Point and Sandhill Point.

12A. Discharge of Grade B treated sewage in coastal marine area

(1) Any person may discharge Grade B treated sewage in the coastal marine area from a ship or offshore installation, but must not discharge it—
- (a) within 500 metres (0.27 nautical miles) of a marine farm; or
- (b) within 500 metres (0.27 nautical miles) of an area that the Minister of Fisheries has declared by notice in the Gazette to be a mataitai reserve under regulations made under section 186 of the Fisheries Act 1996.

(2) A rule may only be included in a regional coastal plan or a proposed regional coastal plan relating to discharges under this regulation if the rule does either or both of the following:
- (a) specifies the distances from mean high-water springs or the depth where those discharges may take place for all or any part of the year, being distances of at least 500 metres (0.27 nautical miles) from-
  - (i) a marine farm; or
  - (ii) a mataitai reserve:
- (b) increases the distance from a marine farm or a mataitai reserve where those discharges may take place for all or any part of the year, being at a distance of more than 500 metres (0.27 nautical miles).

13. Discharge of garbage

(1) The discharge of plastics, dunnage, lining, and packaging materials in the coastal marine area from any ship is prohibited.

(2) Any person may, in the coastal marine area, discharge from any ship garbage (other than those items specified in subclause (1)), including food wastes, paper, rags, glass, metal, bottles, and crockery, if—
- (a) The garbage has been comminuted or ground to a particle size of 25 millimetres or less; and
- (b) The discharge occurs at least—
  - (i) 5500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and
  - (ii) 500 metres (0.27 nautical miles) from any offshore installation.

(3) The discharge of garbage in the coastal marine area from any offshore installation is prohibited.

14. Discharge of ballast water

(1) Any person may discharge in the coastal marine area, from a ship or offshore installation, clean ballast water or segregated ballast water.

(2) This regulation does not authorise the discharge of clean ballast water or segregated ballast water in contravention of the Biosecurity Act 1993, regulations made under that Act, or import health standards made under section 20 of that Act.

15. Discharges made as part of normal operations of ship or offshore installation

Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the normal operations of a ship or offshore installation.

16. Regional rules or resource consents for discharges

No rule may be included in any regional coastal plan, or proposed regional coastal plan, nor any resource consent granted relating to a discharge to which regulations 9, 10, 12, 13, 14, and 15 apply.

SCHEDULES

SCHEDULE 1 NOXIOUS LIQUID SUBSTANCES

PART 1

Substances	*UN No*
Acetic acid	
Acetic anhydride	*1715*
Acetochlor	
Acetone cyanohydrin	*1541*
Acrylamide solution (50% or less)	*2074*
Acrylic acid	*2218*
Acrylonitrile	*1093*
Adiponitrile	*2205*
Alachlor technical (90% or more)	
Alcohol (C12-C15) poly (1-6) ethoxylates	
Alcohol (C12-C15) poly (7-19) ethoxylates	
Alcohol (C12-C15) poly (20+) ethoxylates	
Alcohol (C6-C17) (secondary) poly (3-6) ethoxylates	
Alcohol (C6-C17) (secondary) poly (7-12) ethoxylates	
Alkanes (C6-C9)	
Alkaryl polyethers (C9-C20)	
Alkyl acrylate-Vinylpyridine copolymer in toluene	
Alkylbenzene, alkylindane, alkylindene mixture (each C12-C17)	
Alkyl (C3-C4) benzenes	
Alkyl (C5-C8) benzenes	
Alkylbenzenesulphonic acid	*2584, 2586*
Alkylbenzenesulphonic acid, sodium salt solution	
Alkyl (C7-C9) nitrates	
Alkyl (C7-C11) phenol poly (4-12) ethoxylate	
Allyl alcohol	*1098*
Allyl chloride	
Aluminium chloride (30% or less)/Hydrochloric acid (20% or less) solution	
2-(2-Aminoethoxy) ethanol	*3055*
Aminoethylethanolamine	
N-Aminoethylpiperazine	*2815*
2-Amino-2-methyl-1-propanol (90% or less)	
Ammonia aqueous (28% or less)	*2672*
Ammonium bisulphite solution (70% or less)	
Ammonium nitrate solution (93% or less)	
Ammonium sulphide solution (45% or less)	*2683*
Ammonium thiocyanate (25% or less)/Ammonium thiosulphate (20% or less) solution	
Ammonium thiosulphate solution (60% or less)	
Amyl acetate (all isomers)	*1104*
Aniline	*1547*
Aviation Alkylates (C8 paraffins and isoparaffins B Pt 95-120ºC)	
Benzene and mixtures having 10% benzene or more	*1114*
Benzenesulphonyl chloride	*2225*
Benzyl acetate	
Benzyl alcohol	
Benzyl chloride	*1738*
Bromochloromethane	
Butene oligomer	
Butyl acetate (all isomers)	
Butyl acrylate (all isomers)	
Butylamine (all isomers)	
Butylbenzene (all isomers)	*2709*
Butyl benzyl phthalate	
Butyl butyrate (all isomers)	
Butyl/Decyl/Cetyl/Eicosyl methacrylate mixture	
1, 2-Butylene oxide	*3022*
n-Butyl ether	*1149*
Butyl methacrylate	
n-Butyl propionate	*1914*
Butyraldehyde (all isomers)	
Butyric acid	*2820*
Calcium alkyl (C9) phenol sulphide/Polyolefin phosphorosulphide mixture	
Calcium hypochlorite solution (15% or less)	
Calcium hypochlorite solution (more than 15%)	
Calcium long-chain alkyl salicylate (C13+)	
Camphor oil	
Carbolic oil	
Carbon disulphide	*1131*
Carbon tetrachloride	*1846*
Cashew nut shell oil (untreated)	

Schedule 1 continued

Substances	UN No
Chlorinated paraffins (C10-C13)	
Chloroacetic acid (80% or less)	*1750*
Chlorobenzene	*1134*
Chloroform	*1888*
Chlorohydrins (crude)	
4-Chloro-2-methyl phenoxyacetic acid, dimethylamine salt solution	
o-Chloronitrobenzene	*1578*
2- or 3- Chloropropionic acid	*2511*
Chlorosulphonic acid	*1754*
m-Chlorotoluene	*2238*
o-Chlorotoluene	*2238*
p-Chlorotoluene	*2238*
Chlorotoluenes (mixed isomers)	*2238*
Coal tar	
Coal tar naphtha solvent	
Coal tar pitch (molten)	
Cobalt naphthenate in solvent naphtha	
Coconut oil fatty acid	
Creosote (coal tar)	
Creosote (wood)	
Cresols (all isomers)	*2076*
Cresylic acid (dephenolized)	
Cresylic acid, sodium salt solution	
Crotonaldehyde	*1143*
1, 5, 9-Cyclododecatriene	
Cycloheptane	*2241*
Cyclohexane	*1145*
Cyclohexanone	*1915*
Cyclohexanone, Cyclohexanol mixture	
Cyclohexyl acetate	*2243*
Cyclohexylamine	*2357*
1,3-Cyclopentadiene dimer (molten)	
Cyclopentane	*1146*
Cyclopentene	*2246*
p-Cymene	*2046*
Decanoic acid	
Decene	
Decyl acetate	
Decyl acrylate	
Decyl alcohol (all isomers)	
Decyloxytetrahydrothiophene dioxide	
Dibromomethane	
Dibutylamine	
Dibutyl hydrogen phosphonate	
Dibutyl phthalate	
Dichlorobenzene (all isomers)	
3,4-Dichloro-1-butene	
1,1-Dichloroethane	*2362*
Dichloroethyl ether	
1,6-Dichlorohexane	
2,2'-Dichloroisopropyl ether	*2490*
Dichloromethane	*1593*
2,4-Dichlorophenol	*2021*
2,4-Dichlorophenoxyacetic acid, diethanolamine salt solution	
2,4-Dichlorophenoxyacetic acid, dimethylamine salt solution (70% or less)	
2,4-Dichlorophenoxyacetic acid, triisopropanolamine salt solution	
1,1-Dichloropropane	
1,2-Dichloropropane	*1279*
1,3-Dichloropropane	
1,3-Dichloropropene	*2047*
Dichloropropene/Dichloropropane mixtures	
2,2-Dichloropropionic acid	
Diethanolamine	
Diethylamine	*1154*
Diethylaminoethanol	*2686*
2,6-Diethylaniline	
Diethylbenzene	*2049*
Diethylenetriamine	*2079*
Di-(2-ethylhexyl) phosphoric acid	*1902*
Diethyl phthalate	
Diethyl sulphate	*1594*
Diglycidyl ether of bisphenol A	
Diglycidyl ether of bisphenol F	

Schedule 1 continued

Substances	UN No
Di-n-hexyl adipate	
Diisobutylamine	*2361*
Diisobutylene	*2050*
Diisobutyl phthalate	
Diisopropanolamine	
Diisopropylamine	*1158*
Diisopropylbenzene (all isomers)	
N,N-Dimethylacetamide solution (40% or less)	
Dimethyl adipate	
Dimethylamine solution (45% or less)	*1160*
Dimethylamine solution (greater than 45% but not greater than 55%)	*1160*
Dimethylamine solution (greater than 55% but not greater than 65%)	*1160*
N,N-Dimethylcyclohexylamine	*2264*
Dimethylethanolamine	*2051*
Dimethylformamide	*2265*
Dimethyl glutarate	
Dimethyl hydrogen phosphite	
Dimethyloctanoic acid	
Dimethyl phthalate	
Dimethyl succinate	
Dinitrotoluene (molten)	*1600*
1,4-Dioxane	*1165*
Dipentene	*2052*
Diphenyl	
Diphenylamine, reaction product with 2,2,4-Trimethylpentene	
Diphenylamines, alkylated	
Diphenyl/diphenyl ether mixtures	
Diphenyl ether	
Diphenyl ether/Diphenyl phenyl ether mixture	
Diphenylmethane diisocyanate	*2489*
Diphenylol propane-epichlorohydrin resins	
Di-n-propylamine	*2383*
Dodecene (all isomers)	
Dodecyl alcohol	
Dodecylamine/Tetradecylamine mixture	
Dodecyldimethylamine/Tetradecyldimethylamine mixture	
Dodecyl diphenyl ether disulphonate solution	
Dodecylphenol	
Drilling brines, containing zinc salts	
Epichlorohydrin	*2023*
Ethanolamine	*2491*
2-Ethoxyethyl acetate	*1172*
Ethyl acrylate	*1917*
Ethylamine	*1036*
Ethylamine solutions (72% or less)	*2270*
Ethyl amyl ketone	*2271*
Ethylbenzene	*1175*
N-Ethylbutylamine	
Ethyl butyrate	*1180*
Ethylcyclohexane	
N-Ethylcyclohexylamine	
Ethylene chlorohydrin	*1135*
Ethylene cyanohydrin	
Ethylenediamine	*1604*
Ethylene dibromide	*1605*
Ethylene dichloride	*1184*
Ethylene glycol butyl ether acetate	
Ethylene glycol diacetate	
Ethylene glycol methyl ether acetate	
Ethylene glycol monoalkyl ethers	
Ethylene oxide/Propylene oxide mixtures with an ethyleneoxide content of not more than 30% in weight	*2983*
Ethyl 3 - ethoxypropionate	
2-Ethylexyl acrylate	
2-Ethylhexylamine	*2276*
Ethylidenenorbornene	
Ethyl methacrylate	*2277*
o-Ethylphenol	
2-Ethyl-3-propylacrolein	
Ethyltoluene	
Ferric chloride solutions	*2582*
Ferric nitrate/Nitric acid solution	
Fluorosilicic acid (20%-30%) in water solution	*1778*
Formaldehyde solutions (45% or less)	*1198, 2209*

Schedule 1 continued

Substances	*UN No*
Formic acid	*1779*
Fumaric adduct of rosin, water dispersion	
Furfural	*1199*
Furfuryl alcohol	*2874*
Glutaraldehyde solutions (50% or less)	
Glycidyl ester of C10 trialkylacetic acid	
Heptane (all isomers)	*1206*
Heptanol (all isomers)	
Heptene (all isomers)	
Heptyl acetate	
Hexamethylenediamine solution	*1783*
Hexamethyleneimine	*2493*
Hexane (all isomers)	*1208*
Hexene (all isomers)	
Hexyl acetate	*1233*
Hydrochloric acid	*1789*
Hydrogen peroxide solutions (over 8% but not over 60%)	*2014, 2984*
Hydrogen peroxide solutions (over 60% but not over 70%)	*2015*
2-Hydroxyethyl acrylate	
2-Hydroxy-4-(methylthio)-butanoic acid	
Icosa (oxypropane-2,3-diyl)s	
Isophoronediamine	*2289*
Isophorone diisocyanate	*2290*
Isoprene	*1218*
Isopropanolamine	
Isopropylamine	*1221*
Isopropylcyclohexane	
Isopropyl ether	*1159*
Lactonitrile solution (80% or less)	
Lauric acid	
Liquid chemical wastes	
Long-chain alkaryl polyether (C11-C20)	
Long-chain polyetheramine in alkyl (C2-C4) benzenes	
Long-chain polyetheramine in aromatic solvent	
Magnesium long-chain alkyl salicylate (C11)/(C11+)	
Maleic anhydride	*2215*
Mercaptobenzothiazol, sodium salt solution	
Mesityl oxide	*1229*
Metam sodium solution	
Methacrylic acid	*2531*
Methacrylic resin in ethylene dichloride	
Methacrylonitrile	*3079*
N-(2-Methoxy-1-methyl ethyl)-2-ethyl-6-methyl chloroacetanilide	
Methyl acrylate	*1919*
Methylamine solutions (42% or less)	*1235*
Methylamyl acetate	*1233*
Methamyl alcohol	*2053*
Methyl butyrate	*1237*
Methylcyclohexane	*2296*
Methylcyclopentadiene dimer	
Methyldiethanolamine	
2-Methyl-6-ethylaniline	
2-Methyl-5-ethylpyridine	*2300*
Methyl formate	*1243*
Methyl heptyl ketone	
Methyl methacrylate	*1247*
Methylnaphthalene (molten)	
2-Methylpyridine	*2313*
3-Methylpyridine	*2313*
4-Methylpyridine	*2313*
Methyl salicylate	
alpha-Methylstyrene	*2303*
Morpholine	*2054*
Motor fuel anti-knock compounds (containing lead alkyls)	*1649*
Naphthalene (molten)	*2304*
Naphthenic acids	
Neodecanoic acid	
Nitrating acid (mixture of sulphuric and nitric acids)	*1796*
Nitric acid (less than 70%)	*2031*
Nitric acid (70% and over)	*2031, 2032*
Nitroethane	
Nitroethane (80%)/Nitropropane (20%)	
Nitrobenzene	*1662*

Schedule 1 continued

Substances	UN No
o-Nitrophenol (molten)	*1663*
1- or 2-Nitropropane	*2608*
Nitropropane (60%)/Nitroethane (40%) mixture	
o- or p-Nitrotoluenes	*1664*
Nonane (all isomers)	*1920*
Nonene (all isomers)	
Nonyl acetate	
Nonyl alcohol (all isomers)	
Nonylphenol	
Nonyl phenol poly (4+) ethoxylate	
Octane (all isomers)	*1262*
Octanol (all isomers)	
Octene (all isomers)	
n-Octyl acetate	
Octyl aldehydes	*1191*
Olefin mixtures (C5-C7)	
Olefin mixtures (C5- C15)	
alpha-Olefins (C6-C18) mixtures	
Oleum	*1831*
Oleylamine	
Palm kernel acid oil	
Paraldehyde	*1264*
Pentachloroethane	*1669*
1,3 - Pentadiene	
Pentane (all isomers)	*1265*
Pentene (all isomers)	
n-Pentyl propionate	
Perchloroethylene	*1897*
Phenol	*2312*
1-Phenyl-1-xylylethane	
Phosphoric acid	*1805*
Phosphorus, yellow or white	
Phthalic anhydride (molten)	*2214*
alpha-Pinene	*2368*
beta-Pinene	
Pine oil	*1272*
Polyalkyl (Cl8-C22) acrylate in xylene	
Polyalkylene oxide polyol	
Poly (2+) cyclic aromatics	
Polyethylene polyamines	
Polyferric sulphate solution	
Polymethylene polyphenyl isocyanate	
Polyolefinamine in alkyl (C2-C4) benzenes	
Polyolefineamine in aromatic solvent	
Polyolefin phosphorosulphide, barium derivative (C28-C250)	
Potassium chloride solution (10% or more)	
Potassium hydroxide solution	*1814*
Potassium oleate	
n-Propanolamine	
beta-Propiolactone	
Propionaldehyde	*1275*
Propionic acid	*1848*
Propionic anhydride	*2496*
Propionitrile	*2404*
n-Propylamine	*1277*
iso-Propylamine (70% or less) solution	
Propyl benzene (all isomers)	
n-Propyl chloride	*1278*
Propylene dimer	
Propylene oxide	*1280*
Propylene tetramer	*2850*
Propylene trimer	*2057*
Pyridine	*1282*
Rosin	
Rosin soap (disproportionated) solution	
Sodium alkyl (C14-C17) sulphonates (60-65%) solution	
Sodium aluminate solution	*1819*
Sodium borohydride (15% or less)/Sodium hydroxide solution	
Sodium dichromate solution (70% or less)	
Sodium hydrogen sulphide (6% or less)/Sodium carbonate (3% or less) solution	
Sodium hydrogen sulphite solution (45% or less)	*2693*
Sodium hydrosulphide solution (45% or less)	*2949*

Schedule 1 continued

Substances	*UN No*
Sodium hydrosulphide/Ammonium sulphide solution	
Sodium hydroxide solution	*1824*
Sodium hypochlorite solution (15% or less)	*1791*
Sodium nitrite solution	
Sodium petroleum sulphonate	
Sodium silicate solution	
Sodium sulphide solution (15% or less)	
Sodium sulphite solution (25% or less)	
Sodium tartrates/Sodium succinates solution	
Sodium thiocyanate solution (56% or less)	
Styrene monomer	*2055*
Sulpho hydrocarbon long-chain (C18+) alkylamine mixture	
Sulphuric acid	*1830*
Sulphuric acid, spent	*1832*
Tall oil (crude and distilled)	
Tall oil fatty acid, barium salt	
Tall oil fatty acid (resin acids less than 20%)	
Tall oil soap (disproportionated) solution	
Tetrachloroethane	*1702*
Tetraethylenepentamine	*2320*
Tetrahydrofuran	*2056*
Tetrahydronaphthalene	
Tetramethylbenzene (all isomers)	
Toluene	*1294*
Toluenediamine	*1709*
Toluene diisocyanate	*2078*
o-Toluidine	*1708*
Tributyl phosphate	
1,2,4-Trichlorobenzene	*2321*
1,1,1-Trichloroethane	*2831*
1,1,2-Trichloroethane	
Trichloroethylene	*1710*
1,2,3-Trichloropropane	
1,1,2-Trichloro - 1,2,2-trifluoroethane	
Tricresyl phosphate (containing less than 1% ortho-isomer)	
Tricresyl phosphate (containing 1% or more ortho-isomer)	*2574*
Tridecanoic acid	
Triethanolamine	
Triethylamine	*1296*
Triethylbenzene	
Triethylenetetramine	*2259*
Triethyl phosphite	*2323*
Triisopropylated phenyl phosphates	
Trimethylacetic acid	
Trimethylamine solution (30% or less)	*1297*
Trimethylbenzene (all isomers)	
Trimethylhexamethylene diamine (2,2,4- and 2,4,4-isomers)	*2327*
Trimethylhexamethylene diisocyanate (2,2,4- and 2,4,4-isomers)	*2328*
2,2,4- Trimethyl-1,3-pentane-diol-1-isobutyrate	
Trimethyl phosphite	*2329*
1,3,5-Trioxane	
Trixylyl phosphate	
Turpentine	*1299*
Undecanoic acid	
1-Undecene	
Undecyl alcohol	
Urea/Ammonium nitrate solution (containing aqua ammonia)	
Valeraldehyde (all isomers)	*2058*
Vinyl acetate	*1301*
Vinyl ethyl ether	*1302*
Vinylidene chloride	*1303*
Vinyl neodecanoate	
Vinyltoluene	*2618*
White spirit, low (15-20%) aromatic	*1300*
Xylenes	*1307*
Xylenol	*2261*
Zinc alkaryl dithiophosphate (C7-C16)	
Zinc alkyl dithiophosphate (C3-C14)	

PART 2

Substances	UN No
Acrylonitrile-Styrene copolymer dispersion in polyether polyol	
Alkenyl (C11+) amide	
Alkyl (C8+) amine, Alkenyl (Cl2+) acid ester mixture	
Alkyldithiothiadiazole (C6-C24)	
Aluminium sulphate solution	
Ammonium hydrogen phosphate solution	
Ammonium polyphosphate solution	
Ammonium sulphate solution	
n-Amyl alcohol	*1105*
sec-Amyl alcohol	*1105*
Amyl alcohol, primary	*1105*
Animal and fish acid oils and distillates, not otherwise specfied, including: animal acid oil, fish acid oil, lard acid oil, mixed acid oil mixed general acid oil, mixed hard acid oil, mixed soft acid oil	
Animal and fish oils, not otherwise specified, including: cod liver oil, lanolin, neatsfoot oil, pilchard oil, sperm oil	
Aryl polyolefins (C11- C50)	
Brake fluid base mix: (Poly(2-8) alkylene (Cz-C3) glycols/Polyalkylene (C2-C10) glycols/monoalkyl (C1-C4) ethers and their borate esters)	
Butylene glycol	
gamma-Butyrolactone	
Calcium hydroxide slurry	
Calcium long-chain alkaryl sulphonate (C11-C50)	
Calcium long-chain alkyl phenate sulphide (C8-C40)	
epsilon-Caprolactam (molten or aqueous solutions)	
Choline chloride solutions	
Citric acid (70% or less)	
Coconut oil fatty acid methyl ester	
Cyclohexanol	
Decahydronaphthalene	*1147*
Diacetone alcohol	*1148*
Dialkyl (C7-C13) phthalates	
Diethylene glycol	
Diethylene glycol dibutyl ether	
Diethylene glycol phthalate	
Di-(2-ethylhexyl) adipate	
Diisobutyl ketone	*1157*
Diisononyl adipate	
Diisopropylnapthalene	
2,2-Dimethylpropane-1,3-diol	
Dinonyl phthalate	
Ditridecyl phthalate	
Diundecyl phthalate	
Dodecenylsuccinic acid, dipotassium salt solution	
2-Ethoxyethanol	*1171*
Ethyl acetate	*1173*
Ethyl acetoacetate	
2-Ethyl-2-(hydroxymethyl) propane-1,3,-diol, (C8-C10)ester	
Ethylenediaminetetraacetic acid, tetrasodium salt solution	
Ethylene glycol	
Ethylene glycol acetate	
Ethylene glycol methyl butyl ether	
Ethylene glycol phenyl ether	
Ethylene glycol phenyl ether/Diethylene glycol phenyl ether mixture	
2-Ethylhexanoic acid	
Ethyl propionate	*1195*
Ferric hydroxyethylethylenediaminetriacetic acid, trisodium salt solution	
Formamide	
Glycerine (83%), Dioxanedimethanol (17%) mixture	
Glycerol monooleate	
Glyoxal solution (40% or less)	
n-Heptanoic acid	
Hexamethylenediamine adipate (50% in water)	
Hexamethylenetetramine solutions	
Hexanoic acid	
Hexanol	*2282*
N-(Hydroxyethyl) ethylenediaminetriacetic acid, trisodium salt solution	
Isoamyl alcohol	*1105*
Isobutyl formate	*2393*
Iso- and cyclo-alkanes (C10-C11)	

Isophorone	
Lactic acid	
Latex, ammonia (1% or less)-inhibited	
Long-chain alkaryl sulphonic acid (C16-C60)	
Magnesium long-chain alkaryl sulphonate (C11-C50)	
3-Methoxybutyl acetate	
Methyl acetoacetate	
Methyl alcohol	*1230*
Methyl amyl ketone	*1110*
Methylbutenol	
Methyl tert-butyl ether	*2398*
Methyl butyl ketone	
Methylbutynol	
Methyl isobutyl ketone	*1245*
Methyl propyl ketone	*1249*
N-Methyl-2 pyrrolidone	
Myrcene	
Naphthalenesulphonic acid-Formaldehyde copolymer, sodium salt solution	
Nitrilotriacetic acid, trisodium salt solution	
Nonanoic acid (all isomers)	
Nonyl methacrylate monomer	
Octanoic acid (all isomers)	
Olefin-Alkyl ester coplymer (molecular weight 2000+)	
Oleic acid	
Palm oil fatty acid methyl ester	
Palm stearin	
Pentaethylenehexamine	
Pantanoic acid	
Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether	
Poly(2-8)alkylene glycol monoalkyl (C1-C6) ether acetate	
Polybutenyl succinimide	
Polyether (molecular weight 2000+)	
Polyolefin amide alkeneamine (C28+)	
Polyolefin amide alkeneamine borate (C28-C250)	
Polyolefin amide alkeneamine polyol	
Polyolefin anhydride	
Polyolefin ester (C20-C250)	
Polyolefin phenolic amine (C20-C250)	
Polypropylene glycol	
n-Propyl acetate	*1276*
Propylene glycol methyl ether acetate	
Propylene glycol monoalkyl ether	
Sodium acetate solutions	
Sodium benzoate	
Sodium carbonate solution	
Sulphohydrocarbon (C3-C88)	
Sulpholane	
Tallow	
Tallow fatty acid	
Triethyl phosphate	
Trimethylolpropane polyethoxylate	
Urea/Ammonium mono- and di-hydrogen phosphate/Potassium chloride solution	
Urea/Ammonium nitrate solution	
Urea/Ammonium phosphate solution	
Vegetable acids and oils and distillates, not otherwise specfied, including: corn acid oil, cotton seed oil, dark mixed acid oil, groundnut acid oil, mixed acid oil, mixed general acid oil, mixed hard acid oil, mixed soft acid oil, rapeseed acid oil, safflower acid oil, soya acid oil, sunflower seed acid oil	
Vegetable oils, not otherwise specfied, including: babbasu oil, beech nut oil, castor oil, cocoa butter, coconut oil, corn oil, cotton seed oil, groundnut oil, hazelnut oil, linseed oil, nutmeg butter, oiticica oil, olive oil, palm nut oil, palm oil, peel oil (oranges and lemons), perilla oil, poppy oil, raisin seed oil, rape seed oil, rice bran oil, safflower oil, salad oil, sesame oil, soya bean oil, sunfower oil, tucum oil,tung oil, walnut oil	
Waxes	
Zinc alkenyl carboxamide	

SCHEDULE 2

SUBSTANCES CLASSIFIED AS OIL

Ashphalt Solutions
Blending Stocks
Roofers Flux
Straight run residue

Gasoline Blending Stocks
Alkylates - fuel
Reformates
Polymer - fuel

Gasoline

Casinghead (natural)
Automotive
Aviation
Straight Run
Fuel oil no 1 (kerosene)
Fuel oil no 1 - D
Fuel oil no 2
Fuel oil no 2 - D

Jet Fuels
JP - 1 (kerosene)
JP - 3
JP - 4
JP - 5 (kerosene, heavy)
Turbo fuel
Kerosene
Mineral spirit

Oils
Clarified
Crude oil
Mixtures containing crude oil
Diesel oil
Fuel oil no 4
Fuel oil no 5
Fuel oil no 6
Residual fuel oil
Road oil
Transformer oil
Aromatic oil (excluding vegetable oil)
Lubricating oil and blending stocks
Mineral oil
Motor oil
Penetrating oil
Spindle oil
Turbine oil

Distillates
Straight run
Flashed feed stocks

Gas Oil
Cracked

Naptha
Solvent
Petroleum
Heartcut distillate oil

SCHEDULE 3

Reg 5

ASSESSMENT OF WASTE OR OTHER MATTER

PART 1—ADDITIONAL MATTERS TO BE INCLUDED IN APPLICATION UNDER SECTION 88

1. The application must include a detailed description and characterisation of the waste to enable a proper assessment to be made of its potential impacts on human health and the environment. The description must include any material capable of creating floating debris or otherwise contributing to an adverse effect on the environment.

2. The characterisation of the wastes and their constituents must include—
   (a) The origin, total amount, form, and average composition:
   (b) The properties: physical, chemical, biochemical, and biological:
   (c) The toxicity:
   (d) The persistence: physical, chemical, and biological:
   (e) The accumulation and biotransformation in biological materials or sediments.

3. The application must include information about—
   (a) The types, amounts, and relative hazard of wastes generated; and
   (b) The details of the production process and the sources of wastes within that process; and
   (c) The feasibility of the following waste reduction or prevention techniques:
      (i) Product reformulation:
      (ii) Clean production technologies:
      (iii) Process modification:
      (iv) Input substitution:
      On-site, closed-loop recycling.

4. For dredged material and sewage sludge, the application must identify the sources of contamination and waste prevention strategies that may be used to control that contamination.

5. Applications to dump waste or other matter must include information about the consideration that has been given to the following hierarchy of waste management options:
   (a) Re-use:
   (b) Off-site recycling:
   (c) Destruction of hazardous constituents:
   (d) Treatment to reduce or remove the hazardous constituents:
   (e) Disposal on land, into air, and in water.

6. The application must include the following information about the proposed dump site:
   (a) The physical, chemical, and biological characteristics of the water-column and the seabed:
   (b) Identification of values and other uses of the sea in the area under consideration:
   (c) An assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment:
   (d) The economic and operational feasibility.

7. The application must include an assessment of the potential effects of sea or land disposal options.

8. The application for dumping must integrate information on waste characteristics, conditions at the proposed dump-site(s), fluxes, and proposed disposal techniques. The application must specify the potential effects on the environment and define the nature, temporal, and spatial scales and duration of expected effects and state any assumptions.

PART 2—ADDITIONAL MATTERS TO BE CONSIDERED BY THE CONSENT AUTHORITY

9. Consideration of an application must have regard to the avoidance, remedying, or mitigation of environmental disturbance and detriment. Consideration of an application must also have regard to the imposing of conditions specifying—
   (a) The types and sources of materials to be dumped:
   (b) The location of the dump-site(s):
   (c) The method of dumping:
   (d) Monitoring and reporting requirements.

10. Consideration of an application must have regard to the imposition of monitoring programmes as a condition of a resource consent.

SCHEDULE 4

Reg 15

Normal Operations of Ship or Offshore Installation

1. Ship propulsion.

2. Heat exchange systems, including engine cooling systems, air conditioning, refrigeration, and condensers.

3. Stormwater drainage from systems and scuppers, except from those areas used for the storage of any harmful substance.

4. The use of washing facilities in the accommodation areas producing greywater from showers, handbasins, baths, galleys, dishwashers, and laundries but does not include use of any dispensary, sick bay, or other medical premises.

5. The cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo.

6. The incineration of waste or other matter generated from a ship or offshore installation.

7. Fire-fighting.

8. The operation of a weapon system on any ship of the New Zealand Defence Force.

SCHEDULE 5 GRADE A SEWAGE TREATMENT SYSTEMS

(Approved in accordance with International Maritime Organisation resolution MEPC.2(VI))

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
1 Brazil	1 Tridente Ind.	"Super Trident"		
	E. Commercio de	ST25X	17.5	15.0
	Equipamentos	ST2	1.6	1.2
	Navais Ltda. 20090	ST4	3.01	2.4
	Rio de Janeiro	ST6	4.55	3.6
		ST8	6.0	4.8
		ST10	7.4	6.0
		ST13	9.6	7.8
		ST15	11.0	9.0
		ST20	14.5	12.0
		ST25	17.5	15.0
		ST30	23.1	18.0
		"Retrofit Trident"		
		RT20	1.6	1.2
		RT40	3.01	2.4
		RT60	4.55	3.6
		RT80	6.0	4.8
	2 SEMCO SA	"Super Trident"		
	Sao Paulo	ST2	1.6	1.2
		ST4	3.01	2.4
		ST6	4.55	3.6
		ST8	6.0	4.8
		ST10	7.4	6.0
		ST13	9.6	7.8
		ST15	11.0	9.0
		ST20	14.5	12.0
		ST25	17.5	15.0
		ST30	23.1	18.0
		"Retrofit Trident"		
		RT20	1.6	1.2
		RT40	3.01	2.4
		RT60	4.55	3.6
		RT80	6.0	4.8
2 Bulgaria	1 MICHAEL MV CO. Bourgas	TYPE 434	1.5	1.8
3 China	1 Shanghai Marine Instrument and Equipment Works, 200 Minseng Rd, Shanghai	CSWA-3	2.4	0.72
	2 Taixing Ship's	WCX-36	39.6	1.26
	Machinery Works	WCX-24	26.4	0.84
	Taixing, Jiangsu	WCB-300(s)	22.32	15.50
		WCB-250(S)	18.24	13.00
		WCB-200(S)	14.40	10.50
		WCB-150(S)	10.32	8.00
		WCB-100(S)	7.44	5.50
		WCB-80	6.00	4.30
		WCB-60	4.56	3.30
		WCB-50	3.60	2.70
		WCB-40	2.88	2.20
		WCB-30	2.16	1.60
		WCB-25	1.75	1.25
		WCB-20	1.44	1.10
		WCB-15	1.19	0.85
		WCB-10	0.72	0.60
		WCB-6	0.42	0.21

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
3 China	3 Zhangjiang Marine Auxiliary Machinery Factory Zhangjiang, Jiangsu	WCB-40Z	3.08	1.54
	4 Luzhou Machinery Works Nanjing Jiangsu	ST1	0.85	0.6
		ST2	1.6	1.2
		ST3	2.31	1.8
		ST4	3.01	2.4
		ST6	4.55	3.6
		ST8	6.0	4.8
		ST10	7.4	6.0
		ST15	11.0	9.0
		RT40	3.01	2.4
4 Croatia	1 EkoloSki sistemi d.o.o., 47000 Karlovac, Mala Svar a, 155	BRODOPUR45	3.15	2.70
		BRODOPUR BP-25	1.6	1.38
		BRODOPUR BP-45	3.15	2.70
	2 tvornica Turbina d.o.o., Kneza Branimira 8 4700 Karlovac	BRODOPUR BP-25	1.6	1.38
5 Denmark	1 Atlas A/S Baltorpvej 154 DK 2750 Ballerup Copenhagen	AWWU	36.0	—
6 Germany	1 VEB Abwasserbehand -lungsan-Lagen Merseburg	KA-MR 1.5 S 50C	1.75:5.0	1.14:3.25
		KA-MR 1.5 S 50B	1.5:4.25	0.98:2.76
	2 Wasserbehand-lung Merseburg GmbH Amtshluser 23-29 4200 Merseburg	KA-MR 1.5 S 50-1/E	2.0	1.3
	3 KG Hamman Wassertechnik GmbH P.O. Box 21 31 2105 Hamburg	HL-Cont	108.0	816.0
		H1rCont	720.0	540.0
		HL-Cont	360.0	270.0
		HIrCont	168.0	126.0
		HLrCont	96.0	72.0
		HLrCont 1 m'h	24.0	18.0
		HL-Cont 7	168.0	126.0
		HL-Compact-Mini	24.0	18.0
		HL-Cont C-45	96.0	72.0

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
6 Germany	4 Format-Chemie und Apparate GmbH 2086 Ellerau	MSTP 1	6.0	3.0
		MSTP 1	6.6	3.3
		MSTP 1A	3.3	1.65
		MSTP 1B	4.5	2.25
		MSTP 2	12.0	6.0
		MSTP 3	18.0	9.0
		MSTP 4	22.5	11.25
		MSTP 5	33.0	16.5
		MSTP 6	48.0	24.0
		MSTP 7	69.0	34.5
		MSTP 8	150.0	75.0
		MSTP 9	300.0	150.0
	5 Format-Chemie GmbH P.O. Box 1263 25476 Ellerau	MSTP 1A	1.26	0.48
		MSTP 1B	2.10	0.81
		MSTP 1	2.50	0.95
		MSTP 2	3.85	1.49
		MSTP 3	5.25	2.03
		MSTP 4	6.65	2.57
		MSTP 5	9.80	3.80
		MSTP 6	14.00	5.40
		MSTP 7	21.00	8.10
		MSTP 8	45.50	17.60
		MSTP 9	91.00	35.10
	6 Apparatebau Salzkotten GmbH Ferdinand-Henze-Strasse 9 33154 Salzkotten	Bio-Compact KSA-S-10	1.75	0.8
		Bio-Compact KSA-S-15	2.625	1.2
		Bio-Compact KSA-S-20	3.5	1.6
		Bio-Compact KSA-S 25	4.375	2.0
		Bio-Compact KSA-S-35	6.125	3.060
		Bio-Compact KSA-S-50	8.750	4.375
		Bio-Compact KSA-S-100	17.5	8.0
		Bio-Compact KSA-S-200	35.0	15.0
		Bio-Compact KSA-S-300	52.5	21.45
		Bio-Compact KSA-S-600	105.0	36.0
		Bio-Compact KSA-S-800	140.0	48.0
	7 Aquachem-industrielle Wasserbehand-lungs - GmbH, 14-16 5000 Köln	BIO AQUA Aerob 35	6.125	2.6
		BIO AQUA Aerob 45	9.625	6.875
		BIO AQUA Aerob 55	7.875	3.4
		BIO AQUA Aerob 18/36	3.15	2.7
		BIO AQUA Aerob 25/50	4.375	3.72
		BIO AQUA Aerob 35/70	6.125	5.25
		BIO AQUA Aerob 55/110	9.625	8.25
		BIO AQUA Aerob 150/300	12.6	23.6
			13.125	39.375

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
6 Germany *continued*	7 Aquachem-industrielle Wasserbehand-lungs-GmbH, 14-16 5000 Köln *continued*	BIO AQUA Aerob 75/150	13.125	39.375
		BIO AQUA Aerob 100/200	17.5	52.5
		BIO AQUA Aerob 140/280	24.5	73.5
		BIO AQUA Aerob 240/480	45.0	135.0
	8 Paul Pleiger Maschinenfabrik GmbH & Co. KG, D-5810 Witten 3	BIOMAT		
		BS 10	2.2	0.8
		BS 15	3.3	1.17
		BS 20	4.4	1.5
		BS 25	5.5	1.75
	9 Willi Becker Ingenieurburo GmbH Hamburg	"HELI-FLOW" BF 5M	0.38	0.3
		"HELI-FLOW" HF 1OM	0.76	0.6
		"HELI-FLOW" BF 13M	0.98	0.78
		"HELI-FLOW" MY 19M	1.42	1.14
		"HELI-FLOW" BF 26M	1.97	1.56
		"HELI-FLOW" BF 32M	2.42	1.92
		"HELI-FLOW" BF 41 M	3.10	2.46
		"HELI-FLOW" HF 58M	4.39	3.48
		"HELI-FLOW" BF 71 M	5.38	4.26
		"HELI-FLOW" HF 84M	6.36	5.04
	10 Aqua Mar GmbH Rothenbacher Weg 4a 5064 Rosrath 1	Aqua Mar Bio Unit MSP I	2.62	1.25
		Aqua Mar Bio Unit MSP II	5.75	2.47
		Aqua Mar Bio Unit MSP III	7.875	3.38
		Aqua Mar Bio Unit MSP IV	12.25	5.25
		Aqua Mar Bio Unit MSP V	26.5	11.25
		Aqua Mar Bio Unit MSP VI	44.0	19.5
		Aqua Mar Bio Unit MSP VII	70.0	21.0
		Aqua Mar Bio Unit MSP VIII	105.0	32.0
		Aqua Mar Bio Unit MSP IX	142.0	47.6
		Aqua Mar Bio Unit MSP X	172.0	75.0
		Aqua Mar Bio Unit MSP 25	4.38	1.875
		Aqua Mar Bio Unit MSP 60	10.5	4.5
		Aqua Mar Bio Unit MSP 80	13.12	5.63

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
6 Germany *continued*	11 Aqua chem-industrielle Abwasser-behandlung- GmbH Quellenweg 13 5060 Bergisch-Gladbach 1	Bio Aqua Aerob 45/90	7.815	23.625
		Bio Aqua Aerob 12	2.1	0.89
		Bio Aqua Aerob 12/24	2.1	1.8
		Bio Aqua Aerob 25/50	4.375	13.125
		Bio Aqua Aerob 35/70	6.125	18.375
		Bio Aqua Aerob 45/90	7.875	23.625
		Bio Aqua Aerob 55/110	9.625	28.875
	12 Citex Maschinen-Apparatebau Gastechnik GmbH 2000 Hamburg 71	CEAK 35/50	12.0	600.0
	13 Schiffsan-lagenbau Barth GmbH, Chausseestr, 5B 0-2380 Barth	MSA 2.5	1.75-3.5	1.1-2.3
		MSA 5	3.5-6.75	2.3-4.4
		MSA 10	6.75-13.5	4.4-8.8
		MSA 15	13.5-20.25	8.8-13.2
		MSA 2.5 CL	1.75-3.5	1.1-2.3
		MSA 5CL	3.5-6.75	2.3-4.4
	14 VEB Kombinat Schiflibau Rostock	KAREA25	25.0	12.5
	15 Aquamar GmbH Zum Alten Wasserwerk 6 D-51491 Overath	Bio unit MSP III	7.875	3.38
		Bio unit MSP 1	2.62	1.125
		Bio unit MSP 25	4.38	1.875
		Bio unit MSP II	5.75	2.47
		Bio unit MSP 60	10.5	4.5
		Bio unit MSP IV	12.25	5.15
		Bio unit MSP 80	13.12	5.63
	16 Hamann Wassertechnik GmbH P.O.B2201 D-21202 Seevetal	Basis-Frame	24.0	18.0
		Norway-Frame	24.0	18.0
		L-Frame	96.0	72.0
		Norway-Frame	96.0	72.0
		Double-Frame	96.0	72.0
		L-Frame	168.0	126.0
		Norway-Frame	168.0	126.0
		Double-Frame	168.0	126.0
		L-Frame	360.0	270.0
		Norway-Frame	360.0	270.0
		Double-Frame	360.0	270.0
		Compact-Mini-Big-Tank	36.0	27.0
		Mini-Frame-Big	36.0	27.0
		Norway-Frame-Big	36.0	27.0
		HL-Cont Super Mini	2.52	1.89
		HL-Cont (1 m3/h) Compact-Mini	24.0	18.0
		HL-Cont. (96 m3/d)	96.0	72.0
		HL-Cont. (168 m3/d)	168.0	126.0
		HL-Cont. (360 m3/d)	360.0	270.0
		HL-Cont. (720 m3/d)	720.0	540.0
		HL-Cont. (1080 m3/d)	1080.0	810.0

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
6 Germany *continued*	17 Triton-Format GmbH Wemer-von-	MSTP IA	1.26	0.48
	Siemen-Str. 2 25479	MSTP 1B	2.1	0.81
	Ellerau	MSTP 1	2.5	0.95
		MSTP 2	3.85	1.49
		MSTP 3	5.25	2.03
		MSTP 4	6.65	2.57
		MSTP 5	9.8	3.8
		MSTP 6	14.0	5.4
		MSTP 7	21.0	8.1
		MSTP 8	45.5	17.6
		MSTP 9	91.0	35.1
		MSTP 10-1500V	37.5	40.5
		MSTP 11-1800V	45.0	48.6
	18 MARTIN	STKS 65	16.25	5.85
	SYSTEMS AG	STKS 25	5.50	2.30
	Bettelhecker	STKS 110	16.80	9.92
	Str.25 96515	STKS 250	35.00	22.50
	Sonneberg	STKS 300	42.50	25.50
		BMA 15	2.40	1.35
	19 UTS Maschinen-	STKS 25	5.50	2.30
	und Ausrilstungs- bau	STKS 65	16.25	5.85
	GmbH Friedrich-			
	Engels- Str. 23-25			
	96515 Sonneberg			
	20 DVZ-Services	DVZ-MSD II/10	0.85	0.95
	GmbH	DVZ-MSD II/20	1.73	1.90
	Waldstrasse 23	DVZ-MSD II/30	2.59	2.85
	D-28844 Weyhe	DVZ-MSD II/40	3.46	3.80
		DVZ-MSD II/50	4.3	4.75
		DVZ-MSD II/60	5.18	5.70
		DVZ-MSD II/70	6.04	6.65
		DVZ-MSD II/80	6.91	7.60
		DVZ-MSD II/100	8.64	9.50
		DVZ-MSD II/120	10.36	11.40
		DVZ-MSD II/140	12.08	13.30
		DVZ-MSD II/160	13.82	15.20
		DVZ-MSD II/180	15.54	17.10
		DVZ-MSD II/200	17.28	19.00
		DVZ-MSD II/240	20.72	22.80
		DVZ-MSD II/300	22.464	24.71
		DVZ-SKA 10 “Biomaster”	1.85	1.29
		DVZ-SKA 20 “Biomaster”	3.70	2.58
		DVZ-SKA 30 “Biomaster”	5.50	3.86
		DVZ-SKA 40 “Biomaster”	7.40	5.15
		DVZ-SKA 50 “Biomaster”	9.20	6.40
		DVZ-SKA 70 “Biomaster”	12.95	6.48
	21 VA TECH WABAG	MEMROD LT 10	1.8	0.9
	ESMIL GmbH	MEMROD LT 25	3.75	2.25
	Lise-Meitner- Str.4a			
	40878 Ratingen	MEMROD LT 230	34.5	20.7

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
6 Germany *continued*	22 Rochem UF-Systeme GmbH Stadtshaus- brücke 1-3 Fleethof 20355 Hamburg	Bio-Filt ® 03/06	24.0	10.0
		Bio-Filt ® 16/18 TWIN	150.0	230.0
	23 MARTIN SYSTEMS AG Ackerstrasse 40 D-96515 Sonneberg	BMA 25	5.0	2.25
		BMA 15	2.4	1.35
	24 RWO Abwassertechnik GmbH Leerkämpe 3 D-28259 Bremen	WWT3 BIOPUR	4.63	2.174
		WWT4 BIOPUR	6.48	3.04
		WWT1 BIOPUR	1.76	0.83
		WWT2 BIOPUR	2.59	1.22
		WWT5 BIOPUR	9.81	4.61
7 Finland	1 Aquamaster Rauma Oy P - Box 220 SF-26101 Rauma	UNEX BIO-20	1.4	0.7
		UNEX BIO-40	2.8	1.4
		UNEX BIO-60	4.2	2.1
		UNEX BIO-80	5.6	2.8
		UNEX BIO-100	7.0	3.5
		UNEX BIO-200	14.0	7.0
		UNEX BIO-600	42.0	21.0
		UNEX BIO-800	56.0	28.0
		UNEX BIO SECTIONAL		
		20	1.4	0.7
		40	2.8	1.4
		60	4.2	2.1
		80	5.6	2.8
		UNEX Cem		
		—3	72.0	28.8
		—7.5	180.0	72.0
		—15	360.0	144.0
		UNEX SIMULTAN		
		—10	3.0	1.5
		—15	4.0	2.0
		—40	12.0	6.0
		—60	18.0	9.0
		—80	24.0	12.0
		—100	30.0	15.0
8 Greece	1 Environmental Protection Engineering Ltd 88 Iroon Polytechniou Str. 18536 Piraeus	TRITON 196	1.96	0.85
		TRITON 1900	19.00	8.34
		TRITON 408	4.08	1.77
		TRITON 1000	10	4.34
		TRITON 4000	40	17.35
9 Italy	1 Pollution Control Engineering Sr. l, Trattacnento Acque Via Dei Mille 99, La Spezia I.S.L.R. Sas di Antonelli & C 16165 Genova Struppa	BIODISK FVN 25	2.5	(less than the standards)
		BIODISK FVN 30	4.0	
		BIODISK FVN 50	6.0	
		BIODISK FVN 60	8.0	
		BIODISK FVN 100	15.0	
		BIODISK FVN 200	30.0	
		BIODISK FVN 300	45.0	
		BIOEPURO-B/50	5.0	
		75	15.0	
		25	2.5	
		20	2.0	
		75-2	7.5	
		100	10.0	
		125	12.5	
		150	15.0	
		200	20.0	

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
10 Japan	1 Sasakura Ltd Engineering Co. Osaka 500	Super Trident ST2	1.6	1.2
		Super Trident ST4	3.01	2.4
		Super Trident ST6	4.55	3.66
		Super Trident ST8	6.0	4.8
		Super Trident ST10	7.4	6.0
		Super Trident ST15	11.0	9.0
		Super Trident ST20	14.5	12.0
		Super Trident ST25	17.5	15.0
		Super Trident ST30	23.1	18.0
		Super Trident ST2A	1.6	1.2
		Super Trident ST3A	2.31	1.8
		Super Trident ST4A	3.01	2.4
		Super Trident ST6A	4.55	3.6
		Super Trident ST2N	1.6	1.2
		Super Trident ST4N	3.01	2.4
		Super Trident ST6N	4.55	3.6
		Super Trident STBN	6.0	4.8
		Super Trident ST10N	7.4	6.0
		Super Trident STI 5N	11.0	9.0
		Super Trident ST20N	14.5	12.0
		Super Trident ST25N	17.5	15.0
		Super Trident ST30N	1.6	18.0
		Retro-fit RT 20	23.1	1.2
		Retro-fit RT 40	3.01	2.4
		Retro-fit RT 60	4.55	3.6
		Retro-fit RT 80	6.0	4.8
	2 Nissin Refrigeration and Engineering Ltd Osaka	Marine Defecamat NST-20	1.2	0.27
		Marine Defecamat NST-30	1.8	0.405
		Marine Defecamat NST-40	2.4	0.54
		NST-50	3.0	0.67
		NST-60	3.6	0.81
		NST-70	4.2	0.94
		NST-80	4.8	1.08
		NST-90	5.4	1.21
		NST-100	6.0	1.35
		NST-125	7.5	1.68
		NST-150	9.0	2.02
		NST-300	18.0	4.05
		NST-400	24.0	5.40
		NST-500	30.0	6.75
		NST-650	39.0	8.77
		NST-750	45.0	10.12

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
10 Japan continued	2 Nissin Refrigeration and Engineering Ltd Osaka continued	Marine Defecamat NST-20H	1.2	0.27
		Marine Defecamat NST-25H	1.5	0.338
		Marine Defecamat NST-30H	1.8	0.405
		Marine Defecamat NST-40H	2.4	0.54
	3 Taiko Kikai Industries Co. Ltd 209 Shimotabuse Tabuse-cho Kamage-Gun Yamaguchi-Pref Japan 742-15	TAIKO SHIPCLEAN BFT 40	2.4	0.54
		AP-2 SHIPCLEAN	1.2	0.27
		AP-3 SHIPCLEAN	1.8	0.405
		AP-4 SHIPCLEAN	2.4	0.54
		AP-5 SHIPCLEAN	3.0	0.675
		AP-6 SHIPCLEAN	4.5	1.0125
		AP-7 SHIPCLEAN	6.0	1.35
		SBT-15	0.9	0.2025
		SBT-25	1.5	0.3375
	4 Goko Seisakusho Co. Ltd. 27-3, 5-chome Shimbashi Minato-ku Tokyo	"AEROBICT C" TF 20	0.7	0.27
		"AEROBICT" TF 25	0.337	1.0
		"AEROBICT C" TF 40	1.0	1.6
		"AEROBICT" TF 50	0.675	2.1
		"AEROBICT C" TF 60	0.540	0.81
		"AEROBICT" TF 40	2.0	1.08
		"AEROBICT" TF 80	1.62	0.54
		"AEROBICT" TF 120	1.6	
			3.2	4.8
	5 Nippon Kokan, Yokohama	NKK-25 D II	1.5	0.337
	6 Japan Development Consultants Inc. 1 Tatagami-cho Sasebo-City Nagasaki	CLEAN FRIEND BFM-35	2.13	
11 Netherlands	1 Holland Marine Services Amsterdam b.v Vlothavenweg 16, 1013 BJ Amsterdam, The Netherlands	MSD-11 Series	4.0	1.1
12 Polland	1 Pomorskie Zaklady Urzadzen Okretowych "WARMA" 86-300 Grudziadz Ul. Lotnicza 21	LK-30A	1.95	1.36
		LK-100	6.5	4.55
		LK-200	13.0	9.1
		LK-320	20.8	14.56
		LK-30	1.95	1.8
		LK-50	3.25	3.0
		LK-100	6.5	6.0
		LK-200	13.0	12.0
		LK-320	20.8	19.2
		MOS40	40.0	27.9
		MOS-2S	2.5	1.75

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
12 Polland continued	2 Centrum Techniki Morskie; OBR Gdansk, Ul J. Matejki 6	TELKA 03	6.0	4.5
	3 Stocznia Szezecinska Im. Adolfa Warskiego Szczecin	B 430-7	1.3	0.9
	4 Zaklady Doswiadczalno-Produkcyjnych “TECHMOR” ul. Marynarki Polskiej 59, Gdansk	TELKA 06	12.0	9.0
13 Republic of Korea	1 Consolidated Machinery Inc. Yang San	BIO AQUA 35	6.125	2.6
		BIO AQUA 25	4.375	1.86
		BIO AQUA 18	3.15	1.34
		BIO AQUA 55	9.625	4.125
		BIO AQUA 45	7.875	3.4
		AEROB-12	2.1	0.89
		AEROB-12C	2.1	0.89
		AEROB-18	3.15	1.34
		AEROB-18C	3.15	1.34
		AEROB-25	4.375	1.86
		AEROB-35	6.125	2.6
		AEROB-45	7.875	3.4
		AEROB-55	9.625	4.125
	2 HanDOk Precision Ind; Kangseo-Gu Seoul	HDST —150	0.9	
		HDST —250	1.5	
		HDST —400	2.4	
		HDST —650	3.9	
	3 Chang Won Environment Ind. Co. Ltd Kim hai Kyung Nam-Do	SEACLEAN II-lOCE	0.3	
		SEACLEAN II-20CE	0.6	
		SEACLEAN U-30CE	0.9	
		SEACLEAN U-50CE	1.5	
		SEACLEAN II-150CE	4.5	
		SEACLEAN II-30CE-S	0.9	
		SEACLEAN II-50CE-S	1.5	
		SEACLEAN II-50CE(B)	2.4	
		SEACLEAN II-50CE(B	2.4	
		SEACLEAN II-100CE	3.0	
		SEACLEAN II-100CE-S	3.0	
		SEACLEAN II-150CE-S	4.5	
		SEACLEAN II-300CE	9.0	
	4 Changkwang Engineering Co., Ltd Youngdeungpo-Ga, Seoul	HDST-150	0.9	
		HDST-250	1.5	
		HDST-400	2.4	
		HDST-650	3.9	

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
14 Russian Federation	1 Sudoimport Moskva Smolenskaia- Sennaia pl 32/34	EOS-15	15.0	6.0
		EOS-5	5.0	2.5
	2 “EKOS Ltd” Barrikadnaija st. 36, fl. 8 St. Petersburg	STOK-IOMI	10.0	5.0
		STOK-50M	50.0	25.0
	3 Krasnoputi- lovskai St 55-6 198152 St. Petersburg	STOK-30M	30.0	15.0
		STOK-70M	70.0	35.0
15 Spain	1 DETEGASA Ctra. Castro- Meiras 15550 Valdovino La Coruna	PHYSICAL-CHEMICAL		
		DELTA FQ-6	6.0	3.3
		DELTA FQ-10	10.0	5.5
		DELTA FQ-15	15.24	8.3
		DELTA FQ-22	22.0	12.1
		DELTA FQ-24	24.0	13.2
		DELTA FQ-28	28.0	15.4
		DELTA FQ-30	30.3	16.6
		DELTA FQ-36	36.0	19.8
		DELTA FQ-40	40.0	22.0
		DELTA FQ-50	50.0	27.5
		DELTA FQ-88	88.5	48.6
		DELTA FQ-105	105.0	57.5
		DELTA FQ-125	125.0	68.75
		BIOLOGICAL		
		DELTA PR-036	0.36	0.19
		DELTA PR-069	0.69	0.38
		DELTA PR-138	1.38	0.75
		DELTA PR-200	2.0	1.10
		DELTA PR-260	2.6	1.43
		DELTA PR-400	4.0	2.2
		DELTA PR-540	5.40	2.97
		DELTA PR-670	6.70	3.68
		DELTA PR-870	8.70	4.78
		DELTA PR-1000	10.0	5.50
		DELTA PR-1310	13.10	7.20
		DELTA PR-1590	15.90	8.74
		DELTA PR-2110	21.10	11.60
		DELTA PR-2600	26.0	14.30
		DELTA PR-3480	34.80	19.14
		DELTA PR-4392	43.92	24.15
16 Sweden	1 Consilium Marine, Stockholm Sweden S-17122 Solna	NEPTUMATIC MOC-12	12.0	6.2
		NEPTUMATIC MOC-20	20.0	10.3
		NEPTUMATIC MOC-28	28.0	14.4
		NEPTUMATIC MOC-28R	21.0	10.6
		NEPTUMATIC MOC-75	75.0	30.0
		NEPTUMATIC MOC-75 Compart	75.0	30.0
		NEPTUMATIC MOC-100	100.0	40.0
		NEPTUMATIC MOC-125 -	125.0	50.0
		NEPTUMATIC MOC-130	130.0	52.0
		NEPTUMATIC RETRO-30	30.0	15.4

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
16 Sweden *continued*	1 Consilium Marine, Stockholm Sweden S-17122 Solna continued	NEPTUMATIC RETRO-45	45.0	23.2
		NEPTUMATIC MOD 130	130.0	52.0
17 United Kingdom	1 Hamworthy Engineering Ltd, Pump and Compressor Division Fleets Corner Poole, Dorset BH17 7LA	Retro-fit Trident RT 80	6.0	4.8
		Retro-fit Trident RT 60	4.55	3.6
		Retro-fit Trident RT 40	3.01	2.4
		Retro-fit Trident RT 20	1.6	1.2
		Super Trident ST 60	46.2	36.0
		Super Trident ST 50	30.0	36.75
		Super Trident ST 40	24.0	28.0
		Super Trident ST 40X	28.0	24.0
		Super Trident ST 30	23.1	18.0
		Super Trident ST 25X	17.5	15.0
		Super Trident ST 25	17.5	15.0
		Super Trident ST 20	14.5	12.0
		Super Trident ST 15	11.0	9.0
		Super Trident ST 13	9.6	7.8
		Super Trident ST 10	7.4	6.0
		Super Trident STS	6.0	4.8
		Super Trident ST 6	4.55	3.6
		Super Trident ST 4	3.01	2.4
		Super Trident ST 3	2.1	1.8
		Super Trident ST 2	1.6	1.2
		Super Trident ST i	0.8	0.6
		Super Trident ST O	0.45	0.32
		Super Trident ST 60S	46.2	36.0
		Trident T 10	0.68	0.6
		Trident T 20	1.36	1.2
		Trident T 30	2.04	1.8
		Trident T 40	2.73	2.4
		Trident T 50	3.41	3.0
		Trident T O	4.09	3.6
		Trident T 75	5.11	4.5
		Trident T 100	6.81	6.0
		Super Trident ST-OA	0.42	0.35
		ST-IA	0.8	0.6
		ST-2A	1.6	1.2
		ST 3A	2.31	1.8
		ST-4A	3.0	2.4
		ST-6A	4.55	3.6
		ST-8A	6.0	4.8
	2 Marine Ventures Ltd Marven House, 1 Field Road, Reading RG1 6AP England	SEACARE 10	1.0	0.6
		SEACARE 40	4.0	2.4
		SEACARE 200	20.0	12.0

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
17 United Kingdom continued	3 Elsan Marine International Ltd Sandwich Kent	STOUR LC 5	0.18	0.3
		STOUR LC 10	0.36	0.6
		STOUR LC 20	0.72	12.0
		STOUR LC 35	1.26	2.1
		STOUR LC 60	2.16	3.6
		STOUR LC 100	36.0	0.0
18 United States	1 Exstar International Corp., 6502 Windmill Way, Wilmington, North Carolina 28405	MARLAND SANI-SYSTEM:		
		SS-645 Type II	17.4	13.5
		SS-630 Type II	11.36	9.0
		SS-615 Type II	5.11	4.05
		SS-600 Type II	2.84	2.25
		SS 40		
		SS 60		
		SS 600	2.84	2.25
		SS 615	5.11	4.05
	2 Microphor Inc. Willits California	M 8		
		M 10		
		M 12		
		M 14		
		M30	0.057	0.18
		M 40	0.076	0.24
		M 50	0.095	0.3
		M-100	0.189	0.6
		M 150	0.284	0.9
		M 200	0.379	1.2
		M 300	0.568	1.8
		M 500	0.946	3.0
		M 600	1.136	3.6
		M 800	1.514	4.8
		M 1000	1.893	6.0
		MC 50	0.473	0.3
		MC 100	0.946	0.6
		MC 150	1.419	0.9
		MC 200	1.893	1.2
		MC 300	2.839	1.8
		MC 500	4.731	3.0
		MC 600	5.678	3.6
		MC 800	7.57	4.8
		MC 1000	9.463	6.0
	3 St. Louis Ship. 611 East Marceau Street St. Louis Missouri 63111	“FAST” LS-1	0.57	0.17
		“FAST” LS-2	0.91	0.27
		“FAST” 6m	1.02	0.31
		“FAST” LS-3	1.36	0.41
		“FAST” 9M	1.59	0.48
		“FAST” 13M	2.39	0.71
		“FAST” 12D	2.61	0.78
		“FAST” 18M	3.18	0.95
		“FAST” 18D	3.86	1.15
		“FAST” 26M	4.77	1.43
		“FAST” 25D	5.68	1.70
		“FAST” 40D	8.41	2.51
		“FAST” 50D	10.70	3.19
		“FAST” D6		
		“FAST” D8		

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
18 United States *continued*	4 "FAST" Systems, Inc St. Louis, Missouri 63110	"FAST" DI, DIM	3.52	
		"FAST" D2, D2M	5.22	
		"FAST" D3, D3M	7.72	
		"FAST" D4, D4M	11.35	
		"FAST" D5, DSM	14.42	
		"FAST" D6, D6M	19.98	
		"FAST" D7, D7M	29.97	
		"FAST" D8, D8M	46.89	
		"FAST" D9, D9M	67.67	
		"FAST" M1	1.13	
		"FAST" M2	1.70	
		"FAST" M3	2.49	
		"FAST" M4	3.29	
		"FAST" MS	4.88	
	5 Sigma Treatment Systems Inc., 2 Davis Ave Frazer Pennsylvania 19355 USA (Manor Welding and Fabrication Co. Ltd, 4-5 Wainman Rd., Woodston Peterborough PE2 OBU England)	BIO-STS 500	1.89	1.67
		BIO-STS 1500	5.68	5.0
		BIO-STS 1000	3.79	3.33
	6 Houston Systems Manufacturing Co. New Iberia, LA	"HELI-FLOW" HF 5M	0.38	0.3
		"HELI-FLOW" BF 10M	0.76	0.6
		"HELI-FLOW" BF 13M	0.98	0.78
		"HELI-FLOW" HF 19M	1.42	1.14
		"HELI-FLOW" HT 26M	1.97	1.56
		"HELI-FLOW" HF 32	2.42	1.92
		"HELI-FLOW" HF 41 M	3.10	2.46
		"HELI-FLOW" HF 58M	4.39	3.48
		"HELI-FLOW" HF 71 M	5.38	4.26
		"HELI-FLOW" HF 84M	6.36	5.04
		"HELI-FLOW" HF 104M	7.87	6.24
		"HELI-FLOW" HF 130M	9.84	7.8
		"HELI-FLOW" HF 156M	11.81	9.36
		"HELI-FLOW" HF 175M	13.24	10.5
		"HELI-FLOW" HF 188M	14.23	11.28
		"HELI-FLOW" HF 208M	15.75	12.48
		"HELI-FLOW" HF 234M	17.72	14.04
		"HELI-FLOW" HF 292M	22.11	17.52

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
18 United States *continued*	6 Houston Systems Manufacturing Co New Iberia, LA continued	"HELI-FLOW" HF 325M	24.61	19.5
		"HELI-FLOW" HF 357M	27.03	21.42
		"HELI-FLOW" HF 390M	29.53	23.4
		"HELI-FLOW" HF 455M	34.45	27.3
	7 Red Fox Industries Inc. New Iberia LA	RF-100-M	0.38	0.3
		RF-200-M	0.76	0.6
		RF-350-M	1.33	1.05
		RF-500-M	1.9	2.00
		RF-750-M	2.9	3.00
		RF-1000-M	3.79	4.00
		RF-1500-M	5.7	6.00
		RF-2000-M	7.6	8.00
		RF-2500-M	9.5	10.00
		RF-3000-M	11.4	12.00
		RF-3500-M	13.3	14.00
		RF-4000-M	15.2	16.00
		RF-4500-M	17.1	18.00
		RF-5000-M	19.0	20.00
		RF-5500-M	20.9	22.00
		RF-6000-M	22.8	24.00
		RF-7500-M	28.5	30.00
		RF-9000-M	34.2	36.00
		RF-0.5-MP (Little Fox)	0.61	0.48
		PAC FP 50	0.19	0.3
		PAC FP 200	0.76	0.6
		PAC FP 500	1.89	1.5
		PAC FP 750	2.84	2.25
		PAC FP 1000	3.79	3
		PAC FP 1500	5.68	4.5
		PAC FP 2000	7.57	6
		PAC FP 2500	9.40	7.5
	8 Effluent Technology Corporation 402Tacoma Ave. S P.O. Box 2094 Tacoma WA 98401	"ORCA" MK 2/12	1.36	1.44
		"ORCA" MK 2/24	2.73	2.88
		"ORCA" MK 2/36	4.09	4.32
	9 KIMCO Inc. P.O. Box 1551 Houston, TX 77251	HF 2M	—	—
		HF SM	0.38	0.3
		HF l0M	0.76	0.6
		HF 13M	0.98	0.78
		HF 19M	1.42	1.14
		HF 26M	1.97	1.56
		HF 32M	2.42	1.92
		HF 41M	3.10	2.46
		HF 58M	4.39	3.48
		HF 71M	5.38	4.26
		HF 84M	6.36	5.04
		HF 104M	7.87	6.24
		HF 130M	9.84	7.8
		HF 156M	11.81	9.36
		HF 175M	13.24	10.5
		HF 188M	14.23	11.28
		HF 208M	15.75	12.48
		HF 234M	17.72	14.04
		HF 292M	22.11	17.52
		HF 325M	24.61	19.5
		HF 357M	27.03	21.42

Schedule 5 -continued

Manufacturing Countries	Manufactured by	Type and model	Designed hydraulic loading (m3/day)	Designed organic loading (m3/day)
18 United States *continued*	9 KIMCO Inc. P.O. Box 1551 Houston, TX 77251 continued	HF 390M	29.53	23.4
		HF 455M	34.45	27.3
	10 OMNIPURE WASTEWATER TREATMENT 8623 Windswept Houston, Texas	"OMNIPURE" 4M	1.48	0.78
		"OMNIPURE" 6M	2.96	1.62
		"OMNIPURE" 8M	6.815	3.6
		"OMNIPURE" 12M	13.63	7.2
		"OMNIPURE" 12MX	28.39	15.0
	11 EES Corporation 12850 Bournewood Drive, Sugarland, Texas 77478	"OMNIPURE" I SMX	56.00	30.0
	12 Envirovac Inc. 1260 Turret Drive Rockford IL 61111	ORCA II-12	1.36	1.44
		ORCA IIA-12	1.36	1.44
		ORCA II-24	2.72	2.88
		ORCA IIA-24	2.72	2.88
		ORCA II-36	4.09	4.32
		ORCA IIA-36	4.09	4.32
		ORCA II-160	18.17	19.2
		ORCA II-165	18.93	19.8
		ORCA II-330	37.47	39.6
		ORCA II-360	37.47	39.6
		ORCA II-500	56.81	60.0
		ORCA IIA-12	1.36	1.44
		ORCA IIA-24	2.73	2.88
		ORCA IIA-36	4.09	4.32
	13 Exceltec International Corp. 1110 Industrial Drive Sugarland Texas 77478	Omnipure 6MC	3.0	1.62
		Omnipute 7MC	4.5	2.4
		Omnipure 8MC	7.0	3.6
		Omnipure 12MC	14.0	7.2
		Omnipure 12MX	28.0	15.0
		Omnipure 15MX	56.0	30.0

SCHEDULE 6

Grade A sewage treatment systems

Any system that, when tested under International Maritime Organisation Resolution MEPC.2(VI), meets, or exceeds, the following standards:

(a) a faecal coliform standard where the geometric mean of the faecal coliform count does not exceed 250 faecal coliforms per 100 millilitres of water; and

(b) a suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods, does not exceed—

  (i) 50 milligrams per litre of water when analysed on shore; or

  (ii) 100 milligrams per litre of water more than the suspended solids content of the ambient water used for flushing when analysed on board a ship; and

(c) a biochemical oxygen demand count where the geometric mean of 5-day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre of water.]

SCHEDULE 7

Grade B sewage treatment systems

(Approved in accordance with the United States of America Environmental Protection Agency Federal Water Pollution Control Act, 33 USC 1322, Part 159—

Marine Sanitation Devices as Type 1)

Manufacturing countries	Manufactured by	Type and model	Approximate Designed hydraulic loading (m3/day)
United States	Galley Maid Marine Products, Inc PO Box 10417 Rivera Beach Florida 33404	Delta Marine Head	2.2
		Central Waste Treatment System	1.5
	Raritan Engineering Company, Inc 530 Orange Street PO Box 1157 Millville New Jersey 08332	Lectra/San MC	2.7
		Purasan PST	2.2
	Sealand Technology, Inc Fourth Street PO Box 38 Big Prairie Ohio 4461	Saanx One	2.2

This page is intentionally blank

Environment Canterbury
Regional Council
Kaunihera Taiao ki Waitaha

Everything is connected

Facilitating sustainable development in the Canterbury region

www.ecan.govt.nz

R12/86

ISBN 978-1-927195-25-3
978-1-927195-26-0 (electronic)

Environment Canterbury offices

Christchurch
PO Box 345
Christchurch 8140
P: 03 365 3828
F: 03 365 3194

Timaru
75 Church Street
PO Box 550
Timaru 7940
P: 03 687 7800
F: 03 687 7808