



Regional Coastal Plan for the Wellington Region

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Wellington Regional Council

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Resource Management Act 1991

Approval of the Regional Coastal Plan

The Wellington Regional Council hereby certifies that it has adopted the Regional Coastal Plan for the Wellington Region by resolution on 9 March 2000.

The common seal of the)
Wellington Regional Council)
was affixed in the presence of)
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Stuart Macaskill)
Chairperson)
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_____)
Howard Stone)
General Manager)

The Minister of Conservation approved the Regional Coastal Plan for the Wellington Region by signing it on _____ 2000.

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_____)
Sandra Lee
Minister of Conservation

The Regional Coastal Plan became operative on _____ 2000.

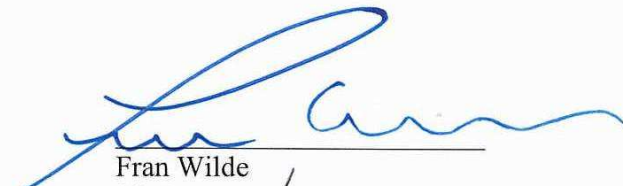
Resource Management Act 1991

Approval of Plan Change 1 to the Regional Coastal Plan


The Wellington Regional Council hereby certifies that it has adopted Plan Change 1 to the Regional Coastal Plan for the Wellington Region by resolution on 7 April 2008.

The common seal of the
Wellington Regional Council
was affixed in the presence of






Fran Wilde
Chair



David Benham
Chief Executive

The Minister of Conservation approved Plan Change 1 to the Regional Coastal Plan for the Wellington Region by signing it on 1ST JUNE 2008.



Hon Steve Chadwick
Minister of Conservation

Plan Change 1 to the Regional Coastal Plan became operative on 12 July 2008.

Chairperson's Foreword

I am very pleased to present this Regional Coastal Plan for the Wellington Region. It is an important document which will help us to manage the coast in our Region.

Under the Resource Management Act 1991, all regional councils have to prepare a regional coastal plan. The concept underlying these Plans is "sustainable management". This means managing the coastal resources of the Wellington Region in a way which provides for the needs of this and future generations.

As an island nation, the coast is an important part of our heritage. In the Wellington Region, we are fortunate to have a magnificent coast which we can use and enjoy. Our sandy beaches, rocky shorelines, harbours, estuaries, coastal cliffs and coastal waters serve many purposes. They are places where we play, where we collect food or where we relax by just being there. For many our coastline has a unique spiritual value. This is particularly so for Maori. However, important industrial and commercial activities also take place on the coast. Many of these are fundamental to our social and economic well-being.

How we manage the coast today will influence the sort of Region that our children's children will inherit in the future. We are the caretakers who have a responsibility to leave the coast in a way which will enable future generations to meet their needs.

Many people have contributed to the preparation of this Plan. We value their input. The public process used for developing regional plans has helped shape this document so that it reflects community expectations to use resources while avoiding, remedying or mitigating any adverse effects on the environment.

STUART MACASKILL
Chairperson

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1. Introduction

1.1 Title

This Plan shall be known as the Regional Coastal Plan for the Wellington Region.

1.2 Area covered

This Plan is operative within the coastal marine area of the Wellington Region. The outer or seaward boundary is the outer boundary of the Wellington Region as defined in SO35951. The inner or landward boundary is the line of mean high water springs, except where that line crosses a river, in which case the boundary is the lesser of:

- one kilometre upstream from the mouth of the river; or
- the point upstream that is calculated by multiplying the width of the river mouth by 5.

The locations of river mouths in the Wellington Region are listed in Appendix 1. Appendix 1 also contains a description of the coastal marine area boundary and maps for the major rivers.

Planning Map 1 in Appendix 7 shows the coastal marine area of the Wellington Region.

1.3 Structure

The Plan is structured around the central activities identified in sections 12, 14, and 15 of the Resource Management Act 1991, together with a series of general objectives and policies. The general objectives and policies apply to all activities in the Plan, unless the wording of any particular section requires otherwise.

Section 2 identifies and describes coastal issues of the Region. Section 3 provides an interpretation of some of the terms used in the Plan. Section 3 does not contain any terms included in section 2 of the Resource Management Act 1991, and it is assumed that when used in this Plan those terms will have the same meaning as in the Act.

Section 4 contains the general objectives and policies. Sections 5 - 13 deal with specific classes of activities and section 14 provides General Standards and Terms that are relevant to many of the rules in sections 5 – 13.

The non-statutory methods of the Plan are contained in section 15 and the principal reasons for objectives, policies and methods are in section 16. Section 17 lists the environmental results anticipated by the Plan. Section 18 identifies cross boundary issues and section 19 identifies review and monitoring procedures. The references used in the Plan are listed in section 20.

Issues, objectives and policies are categorised as being "environmental" or "management", and in section 4, "tangata whenua". The categories are intended as a guide only, and generally separate matters relating directly with the environment from those relating with the way in which management is undertaken.

The policies in the Plan are intended to provide criteria to assist with the assessment of resource consent applications. Policies also indicate a course of action to be followed by the Wellington Regional Council.

1.4 Relationship with the Council's Annual Plan

Under the Local Government Act 1974, all local authorities must prepare an Annual Plan. This plan must outline the nature and scope of activities to be undertaken by the organisation over the financial year, along with the funds required to undertake these activities. It is the latter which determine the rating level for the Region.

As the Regional Coastal Plan must contain objectives, policies and methods to promote the sustainable management of the natural and physical resources of the coastal marine area, it follows that the Plan will influence the contents of the Council's Annual Plan and Budget.

Some of the "Other methods" identified in the Regional Coastal Plan will require the Council to do something. All activities proposed for the Council in this Plan will be subject to scrutiny through the Council's Annual Plan and budgetary process. It is this process which will determine the priorities and time frames, as well as the affordability, of the methods. These decisions will be made within a framework of economic reality. We cannot do everything at once; many of the methods will need to be implemented progressively.

1.5 User Guide

At the time the Regional Coastal Plan was made operative, an integrated *User Guide* was being prepared to help people use all the Council's regional plans, including the Regional Coastal Plan. The *User Guide* is to provide information about how each plan applies to the use and development of natural and physical resources of Region. For more information about the *User Guide*, contact the Resource Policy Department at the Wellington office of the Council.

2. Issues

2.1 General Issues

Environmental

- 2.1.1 People and communities need to recognise the intrinsic values of the Region's coastal marine area and its components as well as the social and economic benefits for which natural and physical resources have been more commonly valued.
- 2.1.2 The life-supporting capacity of air, water and ecosystems, which is particularly important in significant areas of indigenous fauna and flora, can be reduced through modification to, and loss of, habitats and coastal ecosystems. For example, the obstruction of river and stream mouths and the discharge of contaminants into estuaries can result in the loss and modification of the habitat of fish.
- 2.1.3 A lack of knowledge about habitats and biophysical processes in many parts of the coastal marine area makes it difficult to predict adverse effects with certainty. As a consequence, decisions may be made which result in unanticipated adverse environmental effects.
- 2.1.4 There is a strong desire by people and communities to:
- maintain or enhance public access along and within the coastal marine area;
 - use and preserve coastal resources for social, economic and cultural purposes;
 - protect the natural character of the coastal marine area;
 - restore and improve areas where natural character has been adversely affected;
 - protect areas of high amenity values; and
 - restore or improve areas where amenity values have been adversely affected.
- Public access, natural character and amenity values, and public health may be adversely affected by inappropriate use and development.
- 2.1.5 Use and development in the coastal marine area may have adverse effects on navigation and safety of ships and aircraft, and on important historical aspects of natural and physical resources and places in the coastal marine area.

- 2.1.6 Use and development in and adjacent to, the coastal marine area may be affected by natural hazards and by the storage, use, disposal, or transportation of hazardous substances. Use and development may also increase or decrease the frequency and magnitude of natural hazard events.

Tangata whenua

- 2.1.7 The management of the coastal marine area needs to take into account the principles of the Treaty of Waitangi, including the active protection of Maori rights and interests and the involvement of the tangata whenua in decision making processes.
- 2.1.8 Tangata whenua are concerned that their role as kaitiaki in the coastal marine area is not adequately recognised.
- 2.1.9 Tangata whenua are concerned that activities in the coastal marine area are monitored and controlled so that the following are not lost or degraded:
- characteristics of special spiritual, historical or cultural significance to tangata whenua, including waahi tapu, mahinga maataitai, tauranga waka and areas of taonga raranga; and
 - values which are important to tangata whenua, including the maintenance and enhancement of mauri, the mana of iwi or hapu, and the ability of tangata whenua to provide manaakitanga (hospitality).
- 2.1.10 Tangata whenua wish to have access to and use of traditional coastal resources, such as mahinga maataitai and taonga raranga, and wish to undertake environmental enhancement.
- 2.1.11 Tangata whenua wish to initiate development projects in the coastal marine area.
- 2.1.12 Tangata whenua are concerned that people carrying out activities in the coastal marine area are often not aware of the impacts of those activities on characteristics of significance to tangata whenua. Activities could threaten spiritual values and the health of mahinga maataitai.

Management

- 2.1.13 The complementary roles of a variety of agencies in ensuring sustainable management of the coastal environment should be recognised and clarified. Associated with this is a need to ensure that the Wellington Regional Council communicates with adjoining local authorities, and with territorial authorities within the Region.

-
- 2.1.14 Many coastal resources are finite and must be managed efficiently in a manner which promotes sustainable management. This may involve resolving conflict between competing uses.
- 2.1.15 While promoting the sustainable management of the coastal marine area, there is a need to ensure that this Plan is effective in:
- providing a framework to facilitate appropriate activities;
 - providing resource consent applicants with guidance on the circumstances when conditions might be placed on resource consents to avoid, remedy or mitigate adverse effects, and on the nature of such conditions;
 - ensuring that information requirements for applications are appropriate to the scale of the activity;
 - providing for the efficient processing of resource consents;
 - providing a framework to monitor changes to the coastal marine area resulting from use and development; and
 - providing guidance on environmental protection requirements.
- 2.1.16 There is a strong desire by people and communities:
- to have transparent decision making processes that involve all stakeholders; and
 - to be actively involved in the management of natural and physical resources of the Wellington Region.
- 2.1.17 The management of land, water and air in the coastal marine area needs to be integrated to reduce the possibility of adverse inter-media effects. The management of these elements must also be integrated across the landward boundary of the coastal marine area.
- 2.1.18 The Lambton Harbour area has special characteristics which set it apart from the remaining coastal marine area. The area itself spans the line of mean high water springs, and the area has its own development plan. It is important that the management of the coastal marine area recognises the special nature of this area.
- 2.1.19 Many activities occur on the landward margin of the coastal marine area, and many will span the line of mean high water springs. Other activities may result in a change to the location of the line of mean high water springs, for example, by reclamation or declamation. These types of activities fall under the jurisdiction of both the regional coastal plan and the adjacent district plan, and this must be recognised in the regional coastal plan.
- 2.1.20 The Port of Wellington makes a major contribution to the social and economic well being of the Region. It is important that this contribution is recognised in any future decisions about management of the coastal marine area.

2.2 Reclamation and draining of foreshore and seabed

Environmental

- 2.2.1 There may be a demand by people and communities to reclaim the foreshore and seabed to create additional areas of dry land for a variety of purposes, including water dependent activities, shore front residential development, and road and rail route alignments, and to dispose of surplus fill and waste material. Reclamations can have both positive and negative effects. Many past reclamations provide significant benefits to people and communities in the Wellington Region.
- 2.2.2 Reclamation removes foreshore and seabed from the coastal marine area with consequential permanent loss of habitat and biological productivity.
- 2.2.3 Reclamations which restrict flushing (for example, causeways) may adversely affect water quality with consequential effects on fauna and flora. An example is Okowai Lagoon which was cut off from Porirua Harbour by reclamation for the road and rail route.
- 2.2.4 Reclamation alters shoreline shape with consequential effects on wave energy, tidal flows, salinity, and sediment transport processes.
- 2.2.5 Reclamation may result in alienation of the shoreline with a consequential loss of, or restrictions to, public access to and along the coastal marine area.
- 2.2.6 Reclamation may adversely affect natural character, particularly in those areas with limited human modification, and will prevent the natural functioning of physical and biological processes. Features of reclamations which can impact on natural character include:
- the “engineered appearance” of the new shoreline;
 - the poor choice of facing material from an aesthetic viewpoint;
 - the hardening of the shoreline; and
 - the introduction of new land uses to the coastal environment.
- 2.2.7 Poorly designed reclaimed areas may suffer significant adverse effects during a major earthquake. If the reclaimed area is used to store hazardous or dangerous materials these may be released into the coastal marine area during such an event. Poorly designed reclamations may also suffer from erosion and inundation, including that arising from sea level rise and other possible effects of climate change.
- 2.2.8 Reclamation fill may contain contaminants, and these contaminants may leach into the coastal marine area, affecting water quality, plants and animals, and ecosystems.

- 2.2.9 Reclamations may compromise the safe navigation of ships.
- 2.2.10 Reclamation may have short term construction effects, such as:
- effects on benthic fauna and flora from sediment discharges;
 - effects on surrounding uses from construction works, transportation of fill, noise and dust;
 - effects on safe and convenient navigation; and
 - effects on water quality.
- 2.2.11 Reclamation may have adverse effects on spiritual and cultural values, and result in the loss of traditional resources. Examples of sites which could have their values adversely affected through reclamation are tauranga waka, mahinga maataitai, waahi tapu and taonga raranga.

Management

- 2.2.12 Once an area is reclaimed, it will come under the jurisdiction of a district plan. Therefore, good co-ordination between Wellington Regional Council and territorial authorities is required over:
- the effects of reclaiming, and subsequent use of reclaimed areas;
 - the identification of alternatives to reclaiming, especially in enclosed waters; and
 - the potential need to hold joint resource consent hearings.
- 2.2.13 There are difficulties in removing reclamations if they are no longer required, or are found to have greater adverse effects than anticipated.

2.3 Structures

Environmental

- 2.3.1 There are demands for new structures to provide for human uses of the coastal marine area, to protect property assets from coastal hazards, and to assist with river management. These structures can have both positive and negative effects.
- 2.3.2 The occupation of the foreshore or seabed by structures may result in the permanent loss of habitat and biological productivity, or changes to the nature of benthic communities. Structures can also provide new habitat of a different character.

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- 2.3.3 Structures may affect, and may be affected by, wave energy, tidal flows, and sediment transport processes. Rising sea level may also have adverse effects on structures.
- 2.3.4 Structures and their use may result in loss of, or restrictions to, public access to and along the coastal marine area. Structures such as slipways and jetties can improve some types of public access to the coastal marine area (usually boating or fishing access) while still restricting other types of access to and along the coastal marine area (such as walking, swimming, etc.)
- 2.3.5 Structures and their use may adversely affect natural character and amenity values, particularly in those areas with limited human modification. Structures may also prevent the natural functioning of physical and biological processes.
- 2.3.6 Views to and from the coastal marine area may be lost or compromised as a result of the erection or placement of structures.
- 2.3.7 New structures can have both positive and adverse effects on the recreational use of the coastal marine area.
- 2.3.8 New structures can have both positive and adverse effects on navigation and the safety of aircraft and ships, and on fishing activities.
- 2.3.9 During the development of structures, there may be short term construction effects, such as:
- effects on benthic fauna and flora from sediment discharges;
 - effects on surrounding uses from construction works, transportation of fill, noise and dust;
 - effects on safe and convenient navigation; and
 - effects on water quality.
- 2.3.10 People using poorly maintained or abandoned structures may be endangered. Abandoned structures on the seabed may also adversely effect fishing activities.
- 2.3.11 There is a need to recognise that the coastal marine area is a finite resource and that the number of suitable sites for some structures is limited. Both structures and space must be utilised efficiently. Use of structures for purposes for which a coastal location is not necessary may preclude a future use by activities needing a coastal site.
- 2.3.12 Lights on structures in, on, or over the coastal marine area may cause a nuisance or danger to people from glare, and may adversely affect wildlife, for example, roosting and nesting birds.

- 2.3.13 The use and development of structures may result in tangata whenua being restricted in their access to, and use of, sites of cultural significance (for example, harvesting maataitai).
- 2.3.14 The use of structures may be spiritually offensive to tangata whenua (for example, a restaurant on a structure above a site with waahi tapu values).
- 2.3.15 There is the potential for short and long term damage to the environment, including ecosystems, from the unplanned release of hazardous substances, including the contamination of water, soil, and air, and/or risk of fire.

Management

- 2.3.16 Many activities involving existing structures in the coastal marine area, including:
- the maintenance of structures;
 - minor extensions, additions, or alterations to structures;
 - the removal of redundant structures;
 - continued appropriate use of existing structures;

have no or minor adverse effects. Section 12(1)(b) of the Act places very stringent controls on structures in the coastal marine area. As a result, activities of the type referred to above may face administrative requirements which are excessive in relation to their adverse effects if they are not adequately provided for in this plan.

- 2.3.17 Effective management is hindered by a lack of knowledge about the number, type, location and use of many structures located in the coastal marine area.
- 2.3.18 There are difficulties in dealing with the adverse effects of illegal, abandoned, hazardous, or unsafe structures in the coastal marine area.
- 2.3.19 Many structures in the coastal marine area are connected to the shore. Activities on these structures may have effects on adjacent land use outside of the coastal marine area.

2.4 Destruction, damage or disturbance of foreshore or seabed

Environmental

- 2.4.1 Marine fauna, flora and habitat may be disturbed, damaged or destroyed through:
- direct disturbance of foreshore or seabed; and

- increased turbidity in the water column from suspension of fine particles, affecting light penetration and altering underlying habitat, and potentially smothering adjacent fauna and flora.

In some situations the effects will be temporary and the area will be recolonised.

- 2.4.2 Any destruction, damage or disturbance of foreshore or seabed may alter morphology, bathymetry and particle size distribution, with consequential changes to wave energy, water circulation and sediment transport processes. This may result in changes to shoreline stability. Changes in particle size distribution may also affect amenity values.
- 2.4.3 Uncontrolled disturbance of the seabed in parts of Wellington Harbour, particularly through dredging or drilling, could result in penetration of the Hutt Valley aquifer. This could cause a loss of fresh water and increase the potential for salt water intrusion into the aquifer.
- 2.4.4 Disturbance of the foreshore or seabed may affect:
- water turbidity and hence amenity values;
 - commercial and recreational fishing;
 - access along and within the coastal marine area;
 - other recreational use of the foreshore, seabed, and other related parts of the coastal marine area.

In many cases the adverse effects will be temporary.

- 2.4.5 In some cases not allowing the disturbance of foreshore or seabed may have adverse effects on adjacent land use, navigation and safety (for example, not allowing the dredging of a channel), or on public use of the foreshore (for example, not allowing beach grooming).
- 2.4.6 Before allowing disturbance of seabed in areas which may contain polluted sediments, it is necessary to ensure that the disturbance will not cause any significant adverse effects through the liberation of contaminants such as heavy metals. This could result in pollution of shellfish beds and associated risks to human health.
- 2.4.7 Disturbing the foreshore and seabed can affect the "mauri" (life essence) of the coastal marine area. In particular, disturbance can affect the physical and economic values of mahinga maataitai or taonga raranga and spiritual values of waahi tapu and other characteristics of significance to tangata whenua.

Management

- 2.4.8 There is a need to provide for activities which disturb the foreshore or seabed and which:
- avoid adverse effects on the environment;
 - have minor adverse effects on the environment; or
 - have significant positive effects and known, acceptable adverse effects on the environment.

2.5 Deposition of substances on foreshore or seabed

Environmental

- 2.5.1 There is a demand to use the coastal marine area as a disposal site for substances, particularly spoil from excavation and dredging operations. There is a potential to use some of this material to nourish eroding beaches.
- 2.5.2 There is a demand to nourish eroding and degraded beaches with sediment so as to improve amenity values and recreational opportunities, and to provide shoreline protection.
- 2.5.3 Deposition of substances can bury, smother or contaminate flora and fauna. Fish spawning and nursery grounds may be disturbed, although this effect may be seasonal, and perhaps avoidable if material is deposited outside the breeding season.
- 2.5.4 The disposal of toxic material could have adverse effects on marine flora and fauna, and on public health if people eat contaminated shellfish.
- 2.5.5 The disposal of material containing spores of noxious organisms may spread these organisms within the coastal marine area.
- 2.5.6 The deposition of material may alter morphology, bathymetry and particle size distribution, with consequential changes to wave energy, water circulation and sediment transport processes. This may result in changes to shoreline stability. Changes in particle size distribution may also affect amenity values, for example, the deposition of pebbles on a fine sand beach.
- 2.5.7 Deposition may affect commercial, traditional and recreational fishing activities at and around the site of deposition.
- 2.5.8 The deposition of material may adversely affect the safe and convenient navigation of ships by reducing water depths.

- 2.5.9 Tangata whenua believe that the deposition of wastes in the coastal marine area affects mauri by degrading the coastal environment and creating spiritual offence.
- 2.5.10 Deposition of substances could bury, smother or contaminate mahinga maataitai.

Management

- 2.5.11 There is a need to recognise that the disposal of dredge spoil and other marine sediments outside of the coastal marine area may not be practicable, and may have significant adverse effects which need to be balanced against the effects of disposal in the coastal marine area.

2.6 Exotic or introduced plants

Environmental

- 2.6.1 Exotic or introduced plants may displace native flora and fauna by altering ecological or physical processes, such as changing sedimentation rates, using available habitat, or competing with native species. However, in some cases, exotic or introduced plant species may also have beneficial effects such as providing habitat for desired fish and shellfish species.
- 2.6.2 Exotic or introduced plants can become weeds and have the potential to have adverse effects on natural character of the coastal environment. In extreme cases weeds, (for example, *Spartina*) can clog channels or restrict access into the water. This results in adverse effects on other activities, such as fishing, boating, and recreation.
- 2.6.3 The entry of biotoxins from phytoplankton (possibly of exotic origin) to the shellfish food chain can result in poisoning of people eating contaminated shellfish. Three people suffered from toxic shellfish poisoning in 1993 after eating shellfish gathered from the Wellington regional coastline.
- 2.6.4 There is interest in the possibilities of commercial cultivation of some species (for example, Asian kelp), because of their popularity for consumption in other countries. However, the introduction of such species may have adverse effects on the environment.
- 2.6.5 It can be extremely difficult (and in some cases impossible) to eradicate invasive plant species once they are established in the coastal marine area.

Management

- 2.6.6 It is difficult to prevent accidental transport of exotic or introduced species between New Zealand regions and between New Zealand and other countries. Many plants can be transported on the hulls of vessels or in ballast water which may be collected and discharged in coastal waters. This issue is closely related to the provisions of section 10 (Discharges to land and water) which address the issue of ballast water disposal.

2.7 Discharges to land and water

Environmental

- 2.7.1 Some discharges of contaminants to water in the coastal marine area can cause adverse effects on marine and estuarine flora and fauna. Excessive BOD concentrations, variations in temperature and pH values, high nutrient inputs, high sediment inputs, introduction of harmful new organisms, and heavy metal contamination can all have major effects on marine and estuarine ecology. These effects are generally most acute where discharges occur in estuaries and enclosed waters, but some may also arise close to major outfalls on the open coast.
- 2.7.2 Some discharges of contaminants (for example, sewage) to the coastal marine area can increase the threat of disease from chemical, pathogenic, bacterial or viral contamination of coastal waters. The threat of disease would be greatest in areas used for contact recreation, or collecting seafood (particularly shellfish). Most edible shellfish are filter feeders and they can concentrate pollutants to high levels. Thus, some discharges of contaminants to water in the coastal marine area can result in shellfish which are unsuitable for export or human consumption.
- 2.7.3 Degraded water quality can also affect mahinga maataitai which require a high level of water purity. The health of mahinga maataitai also impact on the mana (honour) of an iwi through affecting their identity with a valued resource, and their ability to provide manaakitanga or to exercise kaitiakitanga.
- 2.7.4 Indirect pollution of coastal waters from non-point discharges to land and fresh water is a problem in parts of Wellington Harbour, parts of Porirua Harbour (including Pauatahanui Inlet), some beaches on the Kapiti Coast (particularly those near urban areas), and some Wairarapa beaches (through seepage from septic tanks).
- 2.7.5 Discharges from sewage treatment plants can cause a deterioration in water quality including; discoloration through increased sediment loads in water, the presence of "floatables" (grease, fats, solids and debris) and odour. This deterioration may have significant flow on effects on recreational use of the coastal marine area. Most concerns about sewage discharges relate to areas

along the Kapiti Coast, in Porirua and Wellington Harbours, Lyall Bay, parts of Owhiro Bay, the Karori Stream mouth, Moa Point and near Pencarrow Head.

- 2.7.6 The people of the Wellington Region wish to have the highest water quality attainable. The "Environmental Attitudes" survey undertaken by the Council showed that water quality was accorded the most significance and urgency by all the groups surveyed (Wellington Regional Council 1993a, 1993b). Sewage discharges were the key component of this concern and sewage free coastal waters are valued by a high proportion of the population regardless of ethnic background. However, in some cases poor water quality in the coastal marine area is caused by past land use and natural factors which are not able to be addressed in this Plan.
- 2.7.7 Water is a taonga of the tangata whenua and they wish to retain "natural" water quality. While the tangata whenua are not in favour of any discharges to water, certain types of discharges are particularly spiritually offensive, for example the discharge of human wastes into water.
- 2.7.8 The degradation of water quality results in a loss of mauri (life force) of the coastal environment. Iwi have responsibilities as kaitiaki to ensure that mauri is restored. Thus, the rehabilitation of degraded water is an important issue to iwi.

Management

- 2.7.9 Some discharges into water in the coastal marine area may not have any adverse effects. It is important to provide for these types of discharge without significant consent or monitoring requirements.
- 2.7.10 There is a need to provide a smooth transition from past management practices to the new regime established by the Act, the New Zealand Coastal Policy Statement 1994, and this Plan. For example, there can be high costs and long time frames associated with reducing the potency and improving the quality of contaminants discharged into the coastal marine area. These difficulties may delay the achievement of water quality objectives. In some cases it may be impracticable to avoid, remedy, or mitigate the adverse effects of discharges to land and water in the coastal marine area (for example, polluted stormwater runoff) until dischargers, such as territorial authorities, are able to develop alternative methods for dealing with adverse effects of the discharges.
- 2.7.11 There is potential for conflict between those who discharge contaminants into water in the coastal marine area (for example, industrial users and territorial authorities) and those who wish to have high water quality for commercial, recreational, spiritual, or cultural reasons (for example, recreationists, tangata whenua and conservationists). Such conflict generally relates to whether it is appropriate to use the coastal marine area for discharging treated waste.

2.8 Discharges to air

Environmental

- 2.8.1 Air quality in the coastal marine area of the Wellington Region is generally very high. There are no recorded instances where any discharge of contaminants to the air has caused adverse effects on biological communities or ecological processes. In addition, there are no recorded instances in the coastal marine area of the Wellington Region where any discharge of contaminants to air has resulted in illnesses in the community. However, there is some potential for adverse effects on human health from the open burning of plastic coated cable in the coastal marine area.
- 2.8.2 Odour nuisance can be a major air quality issue in the coastal marine area. In most cases the source of the odour is outside the coastal marine area, but where odorous discharges emanate from within the coastal marine area it is important that the Plan retain the ability to control them. Odour is very difficult to assess in an objective manner and consequently can be difficult to manage effectively.
- 2.8.3 Activities on structures such as abrasive blasting may result in adverse effects on the environment. If not carried out carefully abrasive blasting can have adverse effects on people's health or cause localised nuisance by decreasing visibility. However, in general the adverse effects of abrasive blasting are on a small scale and temporary. Larger scale or permanent abrasive blasting can have more significant effects.
- 2.8.4 There may be a loss of amenity in neighbouring suburbs from the discharge of particles during the unloading and loading of ships, or during the cleaning of ship structures. Some particles also settle on the water and are washed up on beaches. These cause a nuisance to beach users and a loss of visual amenity for surrounding residents.

Management

- 2.8.5 There is very little information available on the effects of discharges to air, particularly those in the coastal marine area. It will be difficult to establish a management regime which recognises this lack of knowledge, yet provides certainty for users.
- 2.8.6 Discharges to air in the coastal marine area may result in adverse effects being noticed on land. For example, an odour generated on a wharf may cause a nuisance to nearby residents. Cross boundary issues are therefore particularly important.

2.9 Taking, use, damming or diversion of water

Environmental

2.9.1 Currently there are no known adverse effects on the natural environment from activities taking and using water from the coastal marine area. However, the taking of large amounts of water could potentially have a number of adverse effects, particularly in enclosed waters such as the lower reaches of rivers, estuaries, inlets and harbours. These effects could include changes:

- in water circulation and sedimentation patterns;
- to shoreline morphology; and
- to temperature and visual clarity of the water.

These changes in the physical environment could have corresponding effects on the ecology of the area.

2.9.2 Damming and diverting coastal water in estuaries, inlets, harbours and embayments is generally not carried out in the Wellington Region. Occasionally, diversions of the lower reaches of some rivers and streams in the coastal marine area are required for flood or erosion mitigation purposes.

Potential adverse effects on the natural environment are similar to taking and using water. Damming and diversion of water in the coastal marine area has the potential to adversely affect native fish by blocking migration route and causing physical changes to habitats which may harm vulnerable life stages.

2.9.3 Diversions of water in the coastal marine area which involve mixing waters from different water bodies adversely effect the mauri of both water bodies and are thus offensive to tangata whenua.

Management

2.9.4 Many activities which take, use, dam, or divert water in the coastal marine area may not have any adverse effects on the environment. For example, ships need to take and use water for operational purposes and these abstractions have no known adverse effects. Such activities should be provided for in this Plan.

2.10 Surface water and foreshore activities

Environmental

2.10.1 Activities may physically disturb species resting, breeding, or feeding and may damage fauna in sediments. These effects can be caused by vehicles and people moving too close or causing excessive noise. This is a particular problem:

- in the Waikanae and Hutt River estuaries, where there are shorebirds feeding;
- at Red Rocks, Turakirae Head and Cape Palliser, where there are seals resting or breeding; and
- in the many estuaries along the Wairarapa coast.

2.10.2 There is a high demand by people and communities to carry out activities in the coastal marine area to provide for their economic and social needs. The coastal marine area is especially important for recreation activities, and for commercial shipping. The coastal marine area is also utilised for some activities such as temporary military training because of the nature of the coastal environment and the requirement for a coastal location.

Areas of the coastal marine area which are suitable for particular activities are limited; this may result in conflict between users. Conflict may involve:

- competition for the use of space;
- incompatibility between different types of activities; or
- combinations of both.

Examples of the first type of conflict include sailing and wind surfing in Evans Bay, and the landing of sea planes in areas of Wellington and Porirua Harbour which are used extensively for recreation. One example of the second type of conflict is the conflict between the passive use of beaches for walking, and active uses such as driving vehicles. Another example is the conflict between sailing and motor boats on Pauatahanui Inlet. An example of combined conflict is swimmers and jet bikes using the same section of beach.

2.10.3 Excessive noise generated by activities in, on or over the coastal marine area may cause adverse effects on other coastal marine area users and residents on land adjoining the coastal marine area.

Management

2.10.4 Management of the coastal marine area should ensure that surface water and foreshore activities which do not have adverse effects are not restricted. Management should also provide for appropriate special events which essentially use the coastal marine area as a venue.

2.10.5 There may be difficulties enforcing the rules of this Plan, particularly with respect to transient activities such as surface water activities and vehicles on beaches.

3. Interpretation

In this Plan, unless the context otherwise requires:

Act means the Resource Management Act 1991, including any subsequent amendments.

Air means all zones and components of the atmosphere and stratosphere which contribute to the functioning of the global environment.

Aquifer means a geologic formation or layer of rock or soil that is able to hold or transmit water.

Area of Significant Conservation Value means any area specified in Appendix 2

Area of Important Conservation Value means any area specified in Appendix 3.

Ballast water means water which is placed in a ship's hold, to sink her to such a depth as to prevent her from capsizing when in motion.

Beach nourishment means the artificial deposition of sand, shingle, shell or other natural material on a foreshore to combat a deficit in the sediment budget, but does not include the placement of any material where such material will not behave in a manner similar to the natural beach sediment.

Bilge water means the water which collects in the bilge of a ship.

BOD₅ means the concentration of oxygen demand generated by bacteria engaged in the stabilisation of organic matter measured over a five day period.

Capital dredging means dredging of the bed of the sea which does not come within the meaning of the words "maintenance dredging".

Commercial Port Area means that area defined on Planning Maps 4A, 4B and 4C in Appendix 7.

Costs and benefits means costs and benefits of any kind, whether monetary or non-monetary.

Declamation is the removal of land in a district to a level below mean high water springs which results in enlargement, in horizontal dimension, of the coastal marine area (i.e., the opposite of reclamation).

Ecosystem means a dynamic complex of plant, animal and micro-organism communities and their non-living environment, interacting as a functional unit.

Environment 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 paragraphs (a) to (c) of this definition or which are affected by those matters.

Exotic plant means a plant which is not native to New Zealand. These may include introduced plants which are species not native to New Zealand, but have been brought in by accident or design.

[External Sound Insulation Level ($D_{nT,w} + C_{tr}$) means the standardised level difference (outdoor to indoor) and is a measure of the airborne sound insulation provided by the external building envelope (including windows, walls, ceilings and floors where appropriate) described using $D_{nT,w} + C_{tr}$ as defined in the following Standards:

- ISO717-1:1996¹ *Acoustics – Rating of Sound Insulation in Buildings & Building Elements* using spectrum No.2 (A-weighted traffic noise spectrum).
- ISO 140-5:1998 *Acoustics - Measurement of Sound Insulation in Buildings and of Building Elements, Part 5: Field Measurements of Airborne Sound Insulation of Facade Elements and Facades.*

The term “external sound insulation level” is used in this Plan primarily as a calculated value to demonstrate compliance with the stated minimum standard of acoustic isolation against sounds arising from outside the building. If field testing of built structures is employed to verify predictions these tests shall be carried out using ISO 140-5:1998 *Acoustics – Measurement Of Sound Insulation In Buildings Of Building Elements. Part 5: Field Measurements Of Airborne Sound Insulation Of Façade Elements And Facades.*]

[Habitable Room in any of the categories of activity referred to in the definition of ‘noise sensitive activity’, means a space within a building that is commonly associated with domestic living, but excludes any bathroom, laundry, water-closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, any room in an early childhood centre not used for

¹ This Standard is also known as AS/NZS1276.1:1999 *Acoustics-Rating of sound insulation in buildings and of building elements Part 1: Airborne sound insulation*

sleeping or other space of a specialised nature occupied neither frequently nor for extended periods of time.]

Habitat means the place or type of site where an organism or population normally occurs.

Hapu means a band or subtribe.

Hazardous substance 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.

Health means, in relation to human health, a state of complete physical, mental, and social well-being, and not merely the absence of disease or infirmity.

[Hotel, Motel or Other Accommodation Activity includes hotels, motels, or the use of premises where residential accommodation for five or more persons is offered at a daily tariff or other specified time.]

Hutt River hydraulic line means that line shown on Planning Map 6 in Appendix 7.

Hutt Valley Aquifer Zone means that area shown on Planning Map 5 in Appendix 7.

Indigenous means produced or naturally belonging to a particular region or area.

Iwi means tribe or people.

Kaimoana means food from the sea.

Kaitiaki means a person or agent who cares for taonga; may be spiritual or physical. Guardian, steward, but the meaning of kaitiaki in practical application may vary between different hapu and iwi.

[**L_{dn}** means the A-frequency-weighted day-night average sound level in decibels measured in accordance with the requirements of NZS 6801:1999 *Measurement of Sound* and NZS 6809:1999 *Port Noise Management and Land Use Planning*.]

[**L_{eq}** means the A-frequency-weighted time-average sound level in decibels measured in accordance with the requirements of NZS 6801:1999 *Measurement of Sound* and NZS 6809:1999 *Port Noise Management and Land Use Planning*.]

[**L_{max}** means the A-frequency-weighted maximum sound level in decibels measured in accordance with the requirements of NZS 6801:1999 *Measurement of Sound* and NZS 6809:1999 *Acoustics – Port Noise Management and Land Use Planning*.]

Lambton Harbour Development Area means that area defined in the Second Schedule of the Wellington Harbour Board and Wellington City Council Vesting and Empowering Act 1987 which falls within the coastal marine area.

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 prestige, power, authority.

Mauri means life principle present in all things.

Mean high water springs (MHWS) means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately every 14 days), when the range of tides is the greatest.

Mitigate means to reduce or moderate the severity of something.

Mooring Area means a mooring area defined in Appendix 5.

Note: *The mooring areas represent the extent of the zone in which vessels must swing. The precise location of swing mooring blocks will need to take this into account.*

[Noise Sensitive Activity means

- any residential activity;
- any early childhood education centre;
- any hotel, motel or other accommodation activity.]

Non-point discharges means diffuse discharges of contamination to air, water and land which may not be attributable to an individual site or activity. The contamination from non-point discharges is related to land management, geologic and hydrological variables which may change from day to day or year to year. Only land management factors may be controlled by society. Pastoral and cropping agriculture, silviculture and development of residential subdivisions (for example, construction of infrastructure, septic tanks) are common activities which generate non-point pollution.

[Port Noise Control Line means the line at or beyond which the rule controlling the emission of noise from Port Related Activities applies and where the noise from Port Related Activities is monitored.]

[Port Related Activities (for the purpose of rules and standards relating to port noise) means activities within the Commercial Port Area, the Lambton Harbour Development Area and on the adjacent land within the district including the berthing, departure and movement of ships, storage and cargo handling, handling of goods and passengers, all activities associated with the movement, storage and handling of cargo and any activities (including construction, maintenance and repair) associated with buildings, machinery and equipment used in connection with the port or its administration. Activities not directly connected to the operation of the port such as office activities, retail activities, and other non-port uses within the Commercial Port Area and the Lambton Harbour Development Area are excluded.]

Reclamation and **Reclaiming** mean 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 (usable for any purpose) which is greater than 2 metres in width above the level of MHWS, and includes any embankment, but does not include any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.

[Residential Activity means the use of a premises for any domestic or related purpose by persons living in the premises alone or in family and/or non-family groups (whether any person is subject to care, supervision or not).]

Rock rip-rap means rock material placed on earth surfaces such as the shoreline for protection against the action of water.

Sewage means any substance containing liquid and/or solid human waste including faecal material before treatment, the liquid portion of sewage after treatment, and the solids (sludge or dried sludge) removed from sewage during treatment.

Ship means every description of vessel, boat, ferry, or craft used in navigation, whether or not it has any means of propulsion, and regardless of that means, and includes:

- a barge, lighter, or other like vessel;
- a hovercraft or other thing deriving full or partial support in the atmosphere from the reactions of air against the surface of the water over which it operates;
- a submarine or other thing used in navigation whilst totally submerged.

Tapu means sacred, restricted.

Temporary military training means an activity which is of a temporary nature and is undertaken by the New Zealand Defence Force in order to train military personnel in keeping with the purpose of the Defence Act 1990. Access to an area used for such training purposes may be restricted to the duration of that exercise”.

Vessel has the same meaning as ship.

Waahi tapu means a sacred site. These are defined locally by the hapu and iwi, which are the kaitiaki for the waahi tapu.

Whanau means an extended family.

In section 3:

The meanings of “External Sound Insulation Level ($DnT,w + Ctr$)”, “habitable room”, “hotel, motel or other accommodation activity”, “ L_{dn} ”, “ L_{eq} ”, “ L_{max} ”, “noise sensitive activity”, “port related activities”, “Port Noise Control Line” and “residential activity” were inserted by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

Next page to follow is Page 23. General Objectives and Policies

4. General Objectives and Policies

4.1 Objectives

Environmental

- 4.1.1 The intrinsic values of the coastal marine area and its components are preserved and protected from inappropriate use and development.
- 4.1.2 People and communities are able to undertake appropriate uses and developments in the coastal marine area which satisfy the environmental protection policies in the plan, including activities which:
- rely on natural and physical resources of the coastal marine area; or
 - require a coastal marine area location; or
 - provide essential public services; or
 - avoid adverse effects on the environment; or
 - have minor adverse effects on the environment, either singly or in combination with other users; or
 - remedy or mitigate adverse effects on the environment and provide a net benefit to the environment.
- 4.1.3 The adverse effects that new activities may have on existing legitimate activities in the coastal marine area are avoided, remedied or mitigated as far as is practicable.
- 4.1.4 Land, water and air in the coastal marine area retains its life supporting capacity.
- 4.1.5 The natural character of the coastal marine area is preserved and protected from inappropriate use and development.
- 4.1.6 Important ecosystems and other natural and physical resources in and adjacent to the coastal marine area are protected from inappropriate use and development.
- 4.1.7 Public health is not endangered through the effects of previous, present or future activities in the coastal marine area.
- 4.1.8 Public access along and within the coastal marine area is maintained and enhanced.
- 4.1.9 Amenity values in the coastal marine area are maintained and enhanced.

- 4.1.10 Important views to and from the coastal marine area are retained.
- 4.1.11 Any adverse effects from natural hazards are reduced to an acceptable level.
- 4.1.12 That the location of structures and/or activities in the coastal marine area does not increase the risk from natural hazards beyond an acceptable level.

Tangata Whenua

- 4.1.13 Characteristics of special spiritual, historical or cultural significance to tangata whenua, including waahi tapu, tauranga waka, mahinga maataitai and taonga raranga, are protected.
- 4.1.14 The values of the tangata whenua, as well as their traditional uses, are, where practicable, recognised and provided for.
- 4.1.15 Opportunities for iwi and hapu to exercise kaitiakitanga in the coastal marine area are increased.
- 4.1.16 Tangata whenua are consulted on resource consent applications which may affect their interests and values.
- 4.1.17 Tangata whenua are able to initiate appropriate uses and developments in the coastal marine area.

Management

- 4.1.18 There is sufficient information available to make informed decisions on resource management in the coastal marine area.
- 4.1.19 In addition to the requirements of objective 4.1.16, opportunities are provided for people and communities to be involved in any decision-making about significant activities in the coastal marine area, and in the management of natural and physical resources in that area.
- 4.1.20 In promoting the sustainable management of the coastal marine area, appropriate recognition is given to integrating management of land, water and air, both within the coastal marine area and across the line of mean high water springs.
- 4.1.21 Coastal marine area users are aware of the community expectation that land of the Crown in the coastal marine area shall generally be available for free public use and enjoyment.
- 4.1.22 There is good communication between all agencies with management responsibilities in the coastal environment.

- 4.1.23 Conditions placed on resource consents are used as a means of avoiding, mitigating or remedying adverse effects.
- 4.1.24 The comprehensive development of the Lambton Harbour Development Area is provided for.
- 4.1.25 Activities which span the line of mean high water springs are managed in accordance with the provisions of both this Plan and any requirements in the relevant district plan.
- 4.1.26 In promoting the sustainable management of the coastal marine area, the importance of the Port of Wellington to the social and economic well being of the Region is recognised.

4.2 Policies

Environmental

- 4.2.1 To recognise that the intrinsic values of the coastal marine area and its components are the heritage of future generations and are worthy of protection in their own right, while allowing for appropriate use and development.

Explanation. Policy 4.2.1 acknowledges the special recognition given in the Act to the importance of protecting the natural and physical resources in the coastal marine area, while acknowledging the need to allow for appropriate use and development.

- 4.2.2 To recognise and distinguish between those parts of the coastal marine area which retain natural character, and those areas where natural character has already been compromised, and to encourage appropriate new developments only in the latter areas.

Explanation. Generally the natural character of the coastal marine area has been compromised in areas adjacent to urban areas, such as in Wellington Harbour, and is preserved adjacent to rural areas, such as along most of the Wairarapa coast. New development should generally be located in the former areas, and avoided in the latter areas.

- 4.2.3 When considering the significance of adverse effects of activities on the coastal marine area, to recognise and distinguish between:
- those activities which require occupancy on a "permanent" basis, and those which can effectively relinquish coastal space at a future date;
 - those activities which have irreversible adverse effects and those for which adverse effects are reversible; and

- those activities which have short term adverse effects and those which have on-going or long term adverse effects.

Explanation. *Activities in the coastal marine area vary in the degree to which they can be removed, the degree to which any adverse effects could be reversed at some future date, and the duration of the adverse effects. Reclamations are essentially permanent and irreversible, and remove foreshore, seabed, and water from the coastal marine area. Other activities such as the construction of large wharf structures can be considered permanent, although technically they can be removed. These activities contrast with other activities, such as swing moorings, which can be removed relatively easily. The effects of activities can also be considered on a time scale. For example, some activities displace fauna and flora, but in many cases the site will be recolonised in a relatively short time, so the adverse effects are less severe than where the displacement results in a permanent change.*

Policy 4.2.3 requires decision makers to take appropriate account of the differences in the effects of activities when considering whether to allow them to proceed, and when considering the duration of a consent.

- 4.2.4 To recognise and give appropriate weight to the potential for cumulative adverse effects resulting from two or more activities in the coastal marine area.

Explanation. *Ecosystems can only tolerate a certain amount of disturbance. It is necessary to guard against permitting unsustainable use and development. In some cases a proposed activity, when viewed in isolation, may not have significant adverse effects. However, when viewed in a broader context which takes into account other uses and developments of the area, the proposed activity may become "the straw that breaks the camel's back".*

- 4.2.5 To adopt a precautionary approach to resource management decisions in the coastal marine area, particularly in those situations where it is difficult to predict adverse effects with any certainty.

Explanation. *Hey (1991) notes that the precautionary approach makes explicit that preventative or remedial action does not have to await the presentation of conclusive scientific evidence of significant adverse effects on the environment. Rather, preventative or remedial action should be taken if scientific and cultural evidence makes it plausible that significant adverse effects on the environment will occur.*

- 4.2.6 To recognise the importance of the coastal marine area as a place for the safe and convenient navigation of ships and aircraft, and to protect these activities from inappropriate use and development.

Explanation. *Significant adverse effects on safe navigation could arise, for example, from structures which restrict ship navigation channels or which*

interfere with the flight approach path to Wellington International Airport or Paraparaumu Airport.

- 4.2.7 To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

Explanation. *This Policy is self-explanatory.*

- 4.2.8 To recognise existing lawful commercial and recreational users of the coastal marine area, and to protect them from the adverse effects of new activities as far as is practicable.

Explanation. *Policy 4.2.8 will require the Wellington Regional Council to consider and minimise the effects of inter-user conflicts. The methods which achieve this Policy will focus on resolving conflict, as well as avoiding remedying and mitigating adverse effects. "As far as practicable" includes recognition of both technical and financial constraints.*

- 4.2.9 To ensure that when activities in the coastal marine area are no longer appropriate and when the opportunity arises with the expiry of the coastal permit or abandonment, that the coastal marine area is restored to its natural state whenever practicable.

Explanation. *"Practicable" includes recognition of both technical and financial constraints.*

- 4.2.10 To protect sensitive, rare, or unusual:

- habitats;
- natural and physical resources; and
- ecosystems

from the adverse effects of use and development. In particular, the values of the areas identified by this Plan either as an Area of Significant Conservation Value or an Area of Important Conservation Value shall be protected.

Explanation. *Policy 4.2.10 seeks to protect features such as important geological sites, unmodified estuaries, sheltered harbours, areas containing rare species, sensitive habitats such as sponge "gardens" or Bryozoan beds. "Areas of Significant Conservation Value" (ASCV) and "Areas of Important Conservation Value" are identified in Appendix 2 and Appendix 3. Policy 4.2.10 will be implemented through the provision of special rules in the Plan for ASCV, and through the resource consent process.*

- 4.2.11 To protect, where practicable, habitats which are important for traditional or cultural purposes from the adverse effects of use and development.

Explanation. *The habitats referred to in Policy 4.2.11 include those traditionally used for shellfish gathering, mahinga maataitai and taonga raranga. “Where practicable” includes recognition of both technical and financial constraints.*

- 4.2.12 To protect significant cultural and historic features in the coastal marine area from the adverse effects of use and development. In particular, the values of the features and buildings identified in Appendix 4 will be protected.

Explanation. *Policy 4.2.12 seeks to protect features such as historic buildings, shipwrecks, etc.*

- 4.2.13 To recognise the importance, and protect the values of:

- Kapiti Island;
- Motungarara (Fishermans) Island;
- Tahoramaurea (Brown's) Island;
- Mana Island;
- Ward Island;
- Somes Island; and
- Mokopuna Island;

as predator-free refuges for indigenous flora and fauna; and to have particular regard to the effects of any activities proposed for the foreshore or seabed surrounding the islands which may result in the importation of predators to the islands.

Explanation. *Some of the islands listed in this Policy are reserves. Policy 4.2.13 requires that any proposed developments, such as jetties, are allowed only if appropriate measures can be incorporated into the proposal to minimise the chances of predators being imported.*

- 4.2.14 To have regard to the land and areas under the Conservation Act 1987, and other land and areas administered by the Department of Conservation, as identified in any approved Conservation Management Strategy for the Wellington Region, so that their status is taken into account in deciding resource consents.

Explanation. *Land referred to in Policy 4.2.14 includes reserves, marginal strips, and stewardship land, both within and adjacent to the coastal marine area.*

- 4.2.15 Subject to Policy 4.2.17, to ensure that the adverse effects of new use and development on existing lawful access along and within the coastal marine area are avoided where practicable; where avoidance is not practicable, to ensure

that the adverse effects are mitigated or remedied so that there is no net reduction of the quality of public access in the area.

Explanation. *Some developments and uses of the coastal marine area will, by necessity, restrict or diminish the quality of public access along and within the coastal marine area. In such circumstances, Policy 4.2.15 requires that the development or use must include provisions to provide alternative access. This would be achieved through the use of the financial contribution provisions provided for in this Plan. “Where practicable” includes recognition of both technical and financial constraints”.*

- 4.2.16 Subject to Policy 4.2.17, to support any initiatives which might arise to improve public access along and within the coastal marine area, and to take appropriate opportunities arising from new use and development to improve public access, particularly in those places where it has been identified as desirable to enhance public access.

Explanation. *There are places in the coastal marine area where public access is restricted. Policy 4.2.16 requires support to be given to any initiatives which may be proposed to enhance public access in such areas. The Policy also recognises that new use and development may provide opportunities for enhancing access.*

- 4.2.17 To recognise that there are circumstances when public access along the coastal marine area is not appropriate; and other circumstances where it is not practicable because of the nature of the coastline.

Explanation. *Public access may not be appropriate where it is necessary to protect any Area of Significant Conservation Value, Area of Important Conservation Value, sites of significance to tangata whenua, public health or for safety, animal health, security, defence purposes, or quarantine facilities. In other cases, particularly along sections of coastal cliff, access along the foreshore may not be practicable. Practicable includes recognition of both technical and financial constraints.*

- 4.2.18 To recognise that the coastal marine area is an extensive area of public open space, and to ensure that the interests of the public, both now and in the future, are given a high priority when making decisions on the allocation of any land of the Crown or any related part of the coastal marine area.

Explanation. *Decisions on consent applications for activities which will result in the allocation of land of the Crown or any other part of the coastal marine area should not compromise the ability of the general public, including future generations, to use and enjoy the coastal marine area. Exclusive occupation of the coastal marine area should be limited to that which is necessary for the activity concerned.*

- 4.2.19 To recognise the importance of amenity values in the coastal marine area, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.

***Explanation.** Amenity values" are defined in the Act. "Where practicable" includes recognition of both technical and financial constraints.*

- 4.2.20 To recognise the importance of the coastal environment to recreation activities, and to avoid, where practicable, any adverse effects on these values; where avoidance is not practicable, to remedy, or mitigate the adverse effects.

***Explanation.** Policy 4.2.20 is self explanatory. "Where practicable" includes recognition of both technical and financial constraints.*

- 4.2.21 Use and development of the coastal marine area must take appropriate account of natural hazards, and any adverse effects arising from the storage, use, disposal, or transportation of hazardous substances.

***Explanation.** Natural hazards in the coastal marine area include erosion, sedimentation, inundation, tsunami, and earthquake. "Hazardous substances" are defined in section 344 of the Act. What is "appropriate" will vary depending on the circumstances, and be related to the degree of risk associated with the activity.*

- 4.2.22 To recognise the importance of the Hutt River hydraulic line in maximising efficient flow of the Hutt River and thereby minimising the risk from flooding in the Hutt Valley; and to protect this line from inappropriate use and development.

***Explanation.** The Hutt River hydraulic line is shown in Planning Map 6 (in Appendix 7). Over a period of time, the river mouth shape will be altered to conform with this line. In this situation, inappropriate use and development is that which would preclude or compromise the ability of this line to be attained.*

- 4.2.23 To recognise that aquaculture is an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

Tangata whenua

- 4.2.24 To record the location of areas of special spiritual, historical or cultural value to tangata whenua in a manner to be negotiated between the iwi of the Region and the Wellington Regional Council. Tangata whenua have the right to choose not to identify all or any areas of special significance to them.

***Explanation.** Areas of special spiritual, historical or cultural value to tangata whenua include waahi tapu, tauranga waka, mahinga maataitai and areas of*

taonga raranga. One way in which the location could be recorded is by the use of "silent files". This is where specific details about a site and its values are held by iwi (or hapu). The Wellington Regional Council would only hold sufficient information to indicate that an area is important, and reference would have to be made directly to iwi for details.

4.2.25 Where a resource consent application is for an activity in or immediately adjacent to a site of significance to tangata whenua, to require the applicant to notify and consult directly with the tangata whenua group in order to ascertain:

- whether the granting of the resource consent would have any adverse effects on the values that cause the site to be significant to the tangata whenua; and
- how any actual or potential adverse effects which might result from the activity could, from the tangata whenua viewpoint, be avoided, remedied or mitigated.

Explanation. *Sites of significance are those described in the explanation to Policy 4.2.24. An activity could potentially affect the values which make these sites significant to tangata whenua (for example, an activity which disturbs the seabed could affect the fisheries values of mahinga maataitai). The applicant will need to show whether any actual or potential adverse effects can be avoided, remedied or mitigated (in that order of preference). This could be achieved through changes in design of the proposal, negotiation with tangata whenua over appropriate compensation, or conditions on the resource consent. The tangata whenua group affected may be an iwi authority, but is more likely to be a smaller group such as a land-owning trust, a hapu, or a whanau.*

4.2.26 In those situations where tangata whenua with mana whenua or mana moana consider that unrestricted public access is having adverse effects on characteristics of special spiritual, historical or cultural significance, to investigate jointly with the tangata whenua whether it is possible and appropriate to restrict public access to the characteristic, and the degree of restriction required.

Explanation. *"Mana whenua" and "mana moana" mean customary authority exercised by an iwi over land or water. Characteristics of special significance to tangata whenua are described in the explanation to Policy 4.2.24. Public access to those characteristics can have adverse effects on their values. In some cases it may be appropriate for public access to be restricted, but only to the degree necessary to protect those values, and taking into consideration public consultation.*

4.2.27 To not allow use and development which would restrict the access of tangata whenua to sites of cultural significance on land of the Crown, unless that access can specifically be provided for, or the loss can be adequately remedied.

Explanation. Sites of significance have been described in the explanation to Policy 4.2.24. Coastal developments can sometimes restrict access of tangata whenua to their sites of significance. For example, a structure for private use on the foreshore could restrict access to mahinga maataitai. Consents for such developments will only be granted if the effects on tangata whenua access can be avoided, remedied or mitigated. Examples of ways in which access could be provided include changes to the design of the proposal, provision of alternative means of access, negotiated access agreements, and conditions on the resource consent.

- 4.2.28 To liaise with agencies which have management responsibilities in the coastal marine area, including the Minister of Conservation and the Minister of Fisheries, in order to promote a consistent approach to matters of concern to iwi in the coastal marine area.

Explanation. Many agencies have management responsibilities in the coastal marine area. Tangata whenua interests can sometimes be adversely affected by lack of co-ordination or co-operation between management agencies. For example, in areas which are mahinga maataitai there is a need for co-ordination between Ministry of Agriculture and Fisheries (which can give formal recognition to the iwi role in fisheries management), the Wellington Regional Council (which can manage the quality of coastal water and the effects of other activities in the area) and the Minister of Conservation (who has similar roles to the Regional Council plus powers to protect areas of the coastal environment).

- 4.2.29 Subject to the provisions of the Act and this Plan, to not restrict iwi development initiatives in the coastal marine area.

Explanation. The Treaty of Waitangi includes tangata whenua rights to economic development. Iwi interests in development in the coastal marine area may be based around resources of traditional significance to an iwi, such as resources adjacent to iwi land. This Policy recognises these rights, while ensuring that such development takes place within the framework of the Act.

Management

- 4.2.30 To co-operate with, and where possible initiate or participate in, research that will assist the Wellington Regional Council to better fulfil its coastal management responsibilities; and to ensure that appropriate information is provided by applicants for resource consents.

Explanation. Sound research will assist the Wellington Regional Council to make high quality decisions regarding the management of the coast.

- 4.2.31 To encourage agencies with coastal management responsibilities to work together to ensure that the views of these agencies are considered when

decisions are made by the Council on coastal marine area resource management.

Explanation. *Policy 4.2.31 is self explanatory.*

- 4.2.32 To increase public awareness about coastal resource management and encourage users of coastal resources to recognise intrinsic values and to adopt an ethic of guardianship for future generations.

Explanation. *Policy 4.2.32 is self explanatory.*

- 4.2.33 To identify explicitly the occupancy component on any resource consent which is granted for an activity in the coastal marine area which requires occupation of land of the Crown and any related part of the coastal marine area.

Explanation. *Policy 4.2.33 will require resource consents to state explicitly that the consent allows occupancy of the coastal marine area in association with the activity for which the consent was granted.*

- 4.2.34 To ensure that, as far as practicable, all stakeholders are involved in the coastal management process and that the decision making process is transparent.

Explanation. *Implementation of Policy 4.2.34 will include advising stakeholders of the reasons for any decision, and providing positive feedback to those groups and individuals who develop and use resources in a way which is consistent with the Act. "Stakeholders" are those individuals or organisations with a particular interest in the management of the coastal marine area, and include those people who use and develop resources, and those who seek to protect resources. "Transparent" decisions are those in which it is clear how and why the decision was reached. "As far as practicable" includes recognition of both technical and financial constraints.*

- 4.2.35 To consider placing conditions on resource consents for the purpose of avoiding, remedying or mitigating any adverse effects which are associated with, or are a consequence of, an activity, particularly where adverse effects impact on the following matters:

- fauna, flora or habitat;
- lawful public access;
- natural character;
- amenity values;
- views to and from the coastal marine area;
- characteristics of spiritual, historical or cultural significance to tangata whenua; or
- recreational opportunities.

Explanation. Policy 4.2.35 complements the provisions of section 108 of the Act by providing guidance on the circumstances where conditions may be placed on resource consents.

4.2.36 To have regard to the following matters when determining the nature and extent of any conditions to be placed on a resource consent:

- the significance of the adverse effects arising as a consequence of, or in association with, the proposed activity;
- the extent to which the proposed activity contributes to the adverse effects;
- the extent to which the adverse effects of the proposed activity can and have been dealt with by other means;
- any proposals by the applicant to avoid remedy or mitigate, adverse effects, and any agreements reached at pre hearing meetings;
- the extent to which the community as a whole benefits from the proposed activity and from any proposed conditions on a consent;
- the financial cost of complying with any conditions on a consent; and
- the extent to which a condition placed on a consent will avoid, remedy or mitigate any adverse effects.

Explanation. Policy 4.2.36 outlines the matters to be assessed when determining whether any conditions should be placed on a resource consent and the nature of any such condition. The particular circumstances and nature of each application will be taken into account.

4.2.37 To avoid, remedy or mitigate adverse effects, conditions on a resource consent may relate to all or any of the following:

- design and project implementation, choice of materials, site improvements;
- habitat restoration, rehabilitation, creation and improvement;
- restocking and replanting of fauna or flora (with respect to replanting, preference will be given to the use of indigenous species, with a further preference for the use of local genetic stock);
- works and services relating to the improvement, provision, reinstatement, protection, restoration or enhancement of the matters listed in 4.2.35.

Explanation. Policy 4.2.37 outlines the matters which a condition on a consent may relate to.

4.2.38 To encourage applicants for resource consents to:

- consult and discuss with parties who may be affected by the proposal prior to applying for a consent; and

- identify in the consent application how adverse effects may be avoided, remedied or mitigated.

Explanation. *Consultation can provide opportunities for consent applicants and affected parties to consider how adverse effects can be avoided, remedied or mitigated.*

- 4.2.39 To recognise that there are circumstances where placing conditions on resource consents may not be sufficient to adequately avoid, remedy or mitigate the adverse effects of a proposal, and that in such circumstances consent applications will be declined.

Explanation. *Policy 4.2.39 indicates that in some circumstances adverse effects will be of such significance that an application must be declined.*

- 4.2.40 To forward to the Maritime Safety Authority copies of all coastal permit applications for new structures or works in the coastal marine area.

Explanation. *Policy 4.2.40 is largely self-explanatory and should ensure that potential adverse effects on navigation are identified.*

- 4.2.41 To notify the Hydrographic Office of the New Zealand Navy when consent is granted for any new structures or works in the coastal marine area which are of significance to navigation and to include conditions on such consents which require the holder to advise the Hydrographic Office when:

- work on the structure commences; and
- work on the structure is complete.

Explanation. *Policy 4.2.41 requires the Maritime Safety Authority to be notified of all consent applications in the coastal marine area. This Policy requires the Council to notify the Hydrographic Office of the NZ Navy when consents are granted for “new structures or works ... of significance to navigation”. In this context “significance to navigation” will be determined by the comments received on the consent application from the Maritime Safety Authority.*

- 4.2.42 To have particular regard to the objectives and policies in relevant district plan(s) when assessing an application for an activity which spans the coastal marine area boundary; and where appropriate, to deal with such applications through joint hearings.

Explanation. *The relevant district plan or district plans will be the ones that apply in any land area outside of, but adjacent to, the coastal marine area where the activity is to occur. The Policy recognises that it is important that the provisions of both the Regional Coastal Plan and the district plan(s) be considered for activities which occur in both a district and the coastal marine area.*

- 4.2.43 To recognise that port and harbour activities are an appropriate use of the coastal marine area provided that the environmental protection policies of this Plan can be satisfied.

***Explanation.** This policy is self explanatory.*

- 4.2.44 To recognise commercial port operations by providing for appropriate activities within identified Commercial Port Areas.

***Explanation.** Policy 4.2.44 is largely self-explanatory and recognises the Commercial Port Areas in the Plan.*

- 4.2.45 In the Lambton Harbour Development Area to:

- provide for a wide range of activities appropriate to the harbour/city interface;
- provide for development compatible with the urban form of the city;
- recognise the heritage character, development and associations of the area;
- develop and have particular regard to any design guides for the area which are contained in any proposed or operative Wellington City District Plan;
- provide for a range of public open spaces, access and through-routes, and to ensure that their nature, purpose and function is maintained;
- ensure that the effects of development and activities do not detract from people's enjoyment of the area; and
- ensure that the area is an integral part of the working port of Wellington
- [ensure structures containing noise sensitive activities are adequately acoustically insulated.]

***Explanation.** The intention of bullet point 1 is to limit activities only if their effects make them incompatible with other activities appropriate to the location, or if they detract from the amenities of the area.*

Bullet point 2 refers to urban form. The overall urban form of the city provides for an enhancement of the amphitheatre where the built form reflects the stepping down of the topography from the Kelburn area to the sea. As a result, development in the Lambton Harbour Development Area will generally be lower than the adjacent city centre.

Bullet point 3 refers to the retention of buildings and other features which have recognised heritage value.

Design guides have been prepared for the Lambton Harbour Development area, and point 4 requires that new development be assessed against these guides.

Bullet point 5 recognises that the Lambton Harbour Development Area provides the main area of open space near the City Centre, and that such open space should be retained.

Bullet point 6 recognises that the Lambton Harbour Development Area is primarily a “place for people”. This point must be given due weight when considering development proposals.

The Lambton Harbour Development Area draws much of its character and present activity from its port related function, structures and open space. This is recognised in bullet point 7 which provides for the area to continue to be used for port related activities.

[Bullet point 8 recognises that the noise environment in the Lambton Harbour Development Area is similar to the noise environment in the Central Area of the Wellington City Council District Plan and that any adverse effects of noise on noise sensitive activities should be mitigated.]

- 4.2.46 To vary or change the Plan, if necessary, as soon as practicable after the Wellington City District Plan becomes operative, to align rules in the Lambton Harbour Development Area (for activities and structures on wharves on the seaward side of the coastal marine area boundary) with the rules in Wellington City Council’s District Plan for the Lambton Harbour Development Area (for activities and structures on the landward side of the coastal marine area boundary).

Explanation. *The Lambton Harbour Development Area has special characteristics that need to be recognised and provided for in the Regional Coastal Plan. At the time of writing the Plan and Committee deliberations, the provisions of the Wellington City Plan for the Lambton Harbour Development Area were subject to alteration through the submission, decision making and appeal process. In order to establish a consistent set of provisions across the line of mean high water springs within the Lambton Harbour Development Area, the Regional Council will undertake a variation/change to the Coastal Plan to align the provisions of the coastal plan with those developed by the City Council for the landward side of the coastal marine area boundary. This will achieve a consistent set of provisions for the Lambton Harbour Development Area.*

- 4.2.47 To vary or change the Plan, if necessary, as soon as practicable after the Wellington City and Hutt City District Plans become operative, and to align noise standards in the Commercial Port Areas with noise standards in the adjacent Wellington City and Hutt City District Plan with respect to port and port related activities.

- [4.2.48 To ensure that the principles of NZS 6809:1999 *Port Noise Management and Land Use Planning* are applied to the management of noise from port related activities within the Lambton Harbour Development Area and Commercial Port Areas shown on Planning Maps 4A and 4B.

Explanation. *Port related activities can take place at any time of day and night and can have adverse effects in nearby residential and other areas. The NZS 6809:1999 'Port Noise Management and Land Use Planning' provides a means of managing such noise through setting specific standards to be met at specified locations, and by requiring a Port Noise Management Plan to manage noise emissions.]*

In section 4:

The eighth bullet point of Policy 4.2.45 was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

In the explanation to Policy 4.2.45, the words in square brackets were inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

Policy 4.2.48 was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

5. Reclamation and Draining of Foreshore and Seabed

See this section regarding any activity which reclaims or drains any foreshore or seabed.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

5.1 Objectives

Environmental

- 5.1.1 The area of foreshore and seabed reclaimed from the coastal marine area is minimised.
- 5.1.2 All reclamations are fully justified having regard to available alternatives, properly designed, use appropriate material, and are constructed only for activities consistent with the sustainable management of natural and physical resources.
- 5.1.3 Areas of foreshore or seabed with particularly high conservation values are not reclaimed. These include but are not limited to:
- areas containing sensitive, rare, or unusual habitats, natural and physical resources, and ecosystems;
 - areas possessing particularly high cultural, or spiritual or historic values or features; and
 - all those areas identified by this Plan as an Area of Significant Conservation Value or an Area of Important Conservation Value.

Management

- 5.1.4 All proposals for reclamations, other than small reclamations likely to cause only minor adverse effects, are subject to input from the public and from territorial authorities.

5.2 Policies

Environmental

- 5.2.1 To recognise that all reclamation and draining of the coastal marine area will, by removing foreshore, seabed, and water from the coastal marine area, have adverse effects. These effects, and the extent to which they can be mitigated or remedied, must be balanced against any possible positive effects from the reclamation.

***Explanation.** It is assumed that all areas of foreshore and seabed in the coastal marine area are important, and therefore any loss of these areas will have adverse effects. By definition, reclamation and draining of foreshore or seabed will remove land from the coastal marine area, which is a finite resource, and Policy 5.2.1 seeks to ensure that the resulting adverse effects are recognised in decision making. The significance of the adverse effects will depend on the size of the reclamation and the nature of the site to be reclaimed.*

- 5.2.2 To not allow reclamation or draining of foreshore or seabed if the primary purpose of the reclamation or draining is to dispose of material, including the disposal of septic tank sludge, toxic wastes, and any other domestic or industrial refuse.

***Explanation.** Reclamation and draining must be required for a purpose other than to "get rid of" surplus material.*

- 5.2.3 To not allow reclamation or draining of any foreshore or seabed if there are practicable alternatives, either within or outside of the coastal marine area, which, on balance, have less significant adverse effects on the environment.

***Explanation.** "Practicable alternatives" are those which could realistically be used for the proposed purpose, taking into account both technical and financial implications. Examples of alternatives within the coastal marine area include the use of bridges, floating structures, or wharves.*

- 5.2.4 Subject to Policy 5.2.3, to allow reclamation of the foreshore or seabed only if the reclamation is required for one or more of the following purposes:

- an activity which must be located immediately adjacent to the coastal marine area;
- airport or seaport purposes;
- river management;
- enhancement of public access to or along the coastal marine area;
- restoration or enhancement of amenity values;
- the provision of a road or rail transport link; and

- an activity carried out on land in the coastal marine area where the title is not held by the Crown provided that the net beneficial effects to the environment can be demonstrated;

unless the circumstances are exceptional.

Explanation. *"Exceptional circumstances" would include those situations where the other allowed purposes do not apply, and in which the benefits of a reclamation by far exceed the adverse effects, or in which substantial adverse effects will occur if the reclamation is not allowed to proceed. Although Policy 5.2.4 recognises legitimate reasons for reclamation, it can only occur if the requirements of Policy 5.2.3 are met.*

- 5.2.5 To not allow reclamations which will have significant adverse effects on the values of any Area of Significant Conservation Value, Area of Important Conservation Value, reef or significant habitats or ecosystems.

Explanation. *Policy 5.2.5 is self explanatory.*

- 5.2.6 To ensure that all reclamations are no larger than the minimum necessary to provide for the activity for which the reclamation is to be used.

Explanation. *Policy 5.2.6 requires a reclamation to be limited in size to that which can reasonably be justified to allow the proposed use or development to proceed. Reclamation to provide car parking as part of a marina development would not, for example, be allowed if car parking space could be provided in close proximity to the marina site.*

- 5.2.7 To ensure that the external appearance of a proposed reclamation has regard to the existing character of an area, and is designed to minimise adverse effects on ecological and physical processes.

Explanation. *Policy 5.2.7 is self explanatory.*

- 5.2.8 To ensure that adequate allowance is made for the following factors when designing any reclamation which is to be used for major public works:

- rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);
- waves and currents;
- storm surge; and
- major earthquake events.

Explanation. *Sea level is thought to be rising as a result of climate change, and is expected to continue to rise over the next century. The best internationally recognised predictions of the extent of the rise are provided by the IPCC.*

Policy 5.2.8 requires that these be used in the design of a reclamation for a major public work such as a major road. The Policy also requires consideration of the impacts on the reclamation of waves, currents, and earthquake events. This requirement would be met if standard engineering practices are followed.

- 5.2.9 To ensure that reclamations are designed to prevent the subsequent leaching of any contaminants into the coastal marine area.

Explanation. *Policy 5.2.9 is self explanatory.*

- 5.2.10 Subject to Policy 4.2.17, to ensure that esplanade reserves are created on all new reclamations; and to provide for esplanade strips where these are necessary to enhance or maintain access to the coastal marine area.

Explanation. *Policy 5.2.10 is self explanatory. This Policy is subject to Policy 4.2.17 which allows for exceptions when it may not be practicable or appropriate to provide for public access.*

Management

- 5.2.11 To ensure that public input is sought for all proposals for reclamation or draining of foreshore or seabed, other than for small reclamations likely to cause only minor adverse effects.

Explanation. *Public input will be achieved through the requirement that any reclamation and draining will require a resource consent, and all consents for substantial reclamation will be publicly notified.*

5.3 Rules

Guide to the Regional Rules for reclamation and draining of foreshore and seabed

Rule 1	Discretionary and Restricted Coastal Activity	Large reclamations outside the Commercial Port Area
Rule 2	Discretionary and Restricted Coastal Activity	Large reclamations within the Commercial Port Area
Rule 3	Non-complying and Restricted Coastal Activity	Reclamations in Areas of Significant Conservation Value
Rule 4	Discretionary Activity	Other activities reclaiming or draining foreshore or seabed outside Areas of Significant Conservation Value
Rule 5	Non-complying Activity	Other activities reclaiming or draining foreshore or seabed in Areas of Significant Conservation Value

Discretionary and Restricted Coastal Activities

Rule 1 Large reclamations outside the Commercial Port Area

Any activity reclaiming foreshore or seabed outside the Commercial Port Area which:

- (1) equals or exceeds 1 hectare; or
- (2) extends 100 or more metres in any direction; or
- (3) is an incremental reclamation connected to or part of another reclamation which:
 - was commenced or received a resource consent after 5 May 1994; and
 - the sum of the existing and proposed reclamations are equal to or exceed the dimensions in (1) and (2); and
- (4) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of the reclamation at the time consent is granted, at commencement of the work, and when the reclamation is completed.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 5.4.

Rule 2 Large reclamations within the Commercial Port Area

Any activity reclaiming or draining foreshore or seabed within the Commercial Port Area which:

- (1) equals or exceeds 2 hectares; or
- (2) extends 300 metres in any direction; or
- (3) is an incremental reclamation connected to or part of another reclamation which:
 - was commenced or received a resource consent after 5 May 1994; and
 - the sum of the existing and proposed reclamations is equal to or exceeds the dimensions in (1) and (2);

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of the reclamation at the time consent is granted, at commencement of the work, and when the reclamation is completed.

Application for resource consent

An application for resource consent shall be made in accordance with section 5.4.

Non-complying and Restricted Coastal Activities

Rule 3 Reclamations in Areas of Significant Conservation Value

Any activity reclaiming foreshore or seabed which:

- (1) equals or exceeds 1 hectare in area; or
- (2) extends 100 or more metres in any direction; or
- (3) is an incremental reclamation connected to or part of another reclamation which:
 - was commenced or received a resource consent after 5 May 1994; and
 - the sum of the existing and proposed reclamations is equal to or exceeds the dimensions in (1) and (2); and
- (4) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of the reclamation at the time consent is granted, at commencement of the work, and when the reclamation is completed.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 5.4.

Discretionary Activities

Rule 4 Other activities reclaiming or draining foreshore or seabed outside Areas of Significant Conservation Value

Any activity reclaiming or draining foreshore or seabed:

- that is not specifically provided for in Rules 1, 2, 3, or 5 or
- which cannot meet the requirements of those Rules;

is a **Discretionary Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of the reclamation at the time consent is granted, at commencement of the work, and when the reclamation is completed.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 5.4.

Non-complying Activities**Rule 5 Other activities reclaiming or draining foreshore or seabed in Areas of Significant Conservation Value**

Any activity reclaiming or draining foreshore or seabed within an Area of Significant Conservation Value:

- that is not specifically provided for in Rules 1, 2, 3, 4 or
- which cannot meet the requirements of those Rules;

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 5.4.

5.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for any activity reclaiming or draining foreshore or seabed shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity including the methods and materials to be used;
- (2) adequate information to accurately show the area proposed to be reclaimed or drained, including its size and location, and the portion of that area (if any) to be set apart as an esplanade reserve under section 246(3) of the Act;
- (3) a description of the foreshore or seabed to be reclaimed or drained, including fauna and flora, sediment type, and suitability as a foundation for any reclamation and/or retaining wall;
- (4) a description of the coastal marine area adjacent to the proposed reclamation, including the physical character, ecological values, tangata whenua values, and existing activities;
- (5) a statement of the reasons why reclamation or draining is necessary, and the consequences of the application not being granted. This should include a description of the proposed uses of the reclaimed area and an evaluation of alternatives both within and outside of the coastal marine area;
- (6) if the reclamation is adjacent to land outside of the coastal marine area, a description of land uses in the area, and any appropriate objectives and policies contained in the district plan(s) for the adjacent land area;
- (7) a description of the final external appearance of the reclamation;
- (8) a statement of the period of time to complete the work associated with the activity;
- (9) a statement that the reclamation or draining has been designed using current engineering practices, and appropriate allowance has been made for the effects of sea level rise, waves and currents, and earthquakes;
- (10) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua;
- (11) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;
- (12) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (13) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements of section 5.4.

6. Structures

See this section regarding the use, construction, alteration, maintenance, removal, etc., of structures, including:

- pipelines
- jetties
- cables
- river training works
- boat sheds
- wharves
- breakwaters
- navigation aids
- slipways
- seawalls
- groynes
- existing reclamations.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

6.1 Objectives

Environmental

- 6.1.1 Appropriate structures which enable people and communities to provide for their economic and social well-being are allowed.
- 6.1.2 There is no inappropriate use or development of structures in the coastal marine area.
- 6.1.3 The environment is protected from the adverse effects and risks associated with spills from facilities using and/or storing of hazardous substances.
- 6.1.4 The community and its assets are protected from unacceptable risks from facilities using and/or storing hazardous substances.

Management

- 6.1.5 The administrative requirements for structures in the coastal marine area are minimised in those situations where effects are minor.
- 6.1.6 A comprehensive inventory of all structures in the coastal marine area is compiled and maintained.

6.2 Policies

Environmental

6.2.1 To consider the following as appropriate in the coastal marine area:

- the use and development of structures in the coastal marine area for;
 - (1) activities which are functionally dependent upon a location in the coastal marine area; or
 - (2) activities which support and service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area;
- the use and development of structures in the Lambton Harbour Development Area;
- the use and development of structures for defence purposes; or
- the development of structures for network utility operations.

***Explanation.** Policy 6.2.1 lists criteria for the appropriate use and development of structures in the coastal marine area. Uses and developments which do not meet these criteria are inappropriate. Except for in the Lambton Harbour Development Area, any structure associated with a use that does not have to be located in the coastal marine area is considered inappropriate. For example, the use of boat sheds for storing boats and other associated objects is appropriate, but living in boat sheds is considered inappropriate. Special provision is made for network utility operations in recognition of the important role these operations play in providing for the social and economic well being of people and communities. "Defence purposes" are those in accordance with the Defence Act 1990.*

The Policy does not preclude the need for appropriate developments to comply with environmental controls, as outlined in Policy 6.2.2.

6.2.2 To not allow the use or development of structures in the coastal marine area where there will be:

adverse effects on:

- any Area of Significant Conservation Value, or Area of Important Conservation Value;
- characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori;
- significant places or areas of historic or cultural significance; or
- significant ecosystems; or

significant adverse effects on:

- the risk from natural hazards;
- navigation channels;
- coastal processes, including waves, tidal currents and sediment transport;
- amenity values;
- existing lawful public access;
- natural character;
- views to and from the coastal marine area;
- recreational uses; or
- structures of architectural or historic merit;

unless such adverse effects can be satisfactorily mitigated, or remedied.

Explanation. Policy 6.2.2 lists important features of the coastal marine area which must be protected from the adverse effects of the use and development of structures. For example, a structure which adversely affects sediment transport may cause shoreline erosion. The Policy requires that such an effect be recognised, and remedied, or mitigate.

- 6.2.3 To discourage the development of ad hoc shore protection structures; and to not allow the development of seawalls, groynes, or other "hard" shore protection structures unless all feasible alternatives have been evaluated and found to be impracticable or to have greater adverse effects on the environment.

Explanation. "Ad hoc" shore protection structures are structures which have been developed on an individual property basis to protect individual sections of an eroding shoreline. "Hard" structures are those which are solid or impervious or which present a significant barrier to water or sediment movement.

"Feasible alternatives" include "do nothing", the relocation of developments under threat, and beach renourishment. "Impracticable" includes recognition of both technical and financial constraints.

- 6.2.4 To ensure that all new structures in the coastal marine area to which the public are admitted provide reasonable and adequate access and facilities for disabled persons in accordance with section 25 of the Disabled Persons Community Welfare Act 1975.

Explanation. Policy 6.2.4 is self explanatory.

- 6.2.5 To ensure that adequate allowance is made for the following factors when designing any structure:

- rising sea levels as a result of climate change, using the best current estimate scenario of the International Panel on Climate Change (IPCC);
- waves and currents;
- storm surge; and
- major earthquake events.

Explanation. *Sea level is thought to be rising as a result of climate change, and is expected to continue to rise over the next century. The best internationally recognised predictions of the extent of the rise are provided by the IPCC. Policy 6.2.5 requires that these be used in the design of a structure. The Policy also requires consideration of the impacts on the structure of waves, currents, and earthquake events. This requirement would be met if standard engineering practices are followed.*

6.2.6 To ensure that all exterior lighting associated with activities on structures in the coastal marine area is directed away from adjacent activities, streets and navigational channels, so as to avoid the spill of light or glare which might be:

- detrimental to the amenity of residential and other activities;
- a hazard to traffic safety on streets outside the coastal marine area;
- a hazard to navigation in the coastal marine area; and
- detrimental to wildlife, including bird nesting, roosting, and navigation.

Explanation. *Policy 6.2.6 is largely self explanatory, and includes glare reflected off shiny surfaces.*

6.2.7 To ensure that all structures in the coastal marine area which are visible and/or accessible are adequately maintained so that:

- the structure remains safe; and
- any adverse effects on the visual amenity of the area are minimised.

Explanation. *"Accessible structures" includes all structures except those that are buried in the seabed or remote from the shore. Examples of maintenance include:*

- *the lifting of a swing mooring to check for corrosion, and the carrying out of any remedial work that is required;*
- *the painting of a boat shed; and*
- *the inspection and repair of seawalls.*

6.2.8 To encourage the removal of any structure not in active use and which is not likely to be used in the future, unless its removal is not practicable or will create more adverse effects on the environment than its non removal.

Explanation. *Removal of structures may not be practicable where they are buried or in deep water. Removal of some structures may result in loss of, or disturbance to, habitat, or release of sediments, or other adverse effects which might be significant and not warrant removal of the structure. “Practicable” includes the recognition of both technical and financial constraints.*

- 6.2.9 To have particular regard to any relevant provisions in appropriate district plan(s) relating to the protection of important views when assessing an application for an activity involving the development of a structure in the coastal marine area.

Explanation. *The appropriate district plan or district plans will be the ones that apply in any land area outside of, but adjacent to, the coastal marine area where the structure is to be developed. The district plan may have controls to protect important views to the coastal marine area. These will be taken into account when assessing the application and deciding on any conditions that might be placed on a resource consent.*

- 6.2.10 To protect the flight approach path for Wellington International Airport and Paraparaumu Airport, and the float plane landing area and flight approach path at Porirua Harbour by ensuring that no new structure:

- infringes the Wellington International Airport Height Restrictions as generally indicated on Planning Map 7 in appendix 7;
- infringes the Paraparaumu Airport 1 in 40 gradient approach surface fan expansion along its 3000 metre length or the 1 in 7 gradient runway strip side clearances; and
- compromises the ability of the float plane to land safely and conveniently on Porirua Harbour.

Explanation. *The height limits for Paraparaumu equate to a height limit of 20 metres at the shoreline for the north-east/south-west runway, and 55 metres for the north/south runway. These limits will increase seaward of these points at a 1 in 40 gradient along the approach paths.*

- 6.2.11 To prevent the use of boat sheds for residential habitation and for activities which are not associated with the coastal marine area.

Explanation. *The residential use and other commercial activities such as offices, restaurants, etc., of boat sheds in the Porirua and Pauatahanui Inlet areas of Porirua Harbour, and at Titahi Bay has been a source of concern over a number of years. Boat sheds are a limited coastal resource and their continued use for water related activities is a sustainable use of this limited resource. Non-water related activities may have significant adverse environmental effects and create demands for carparking, water supply and waste disposal, and also raise other issues such as noise and loss of amenity and character. Accordingly, residential and non-water related activities are considered inappropriate uses of boat sheds.*

6.2.12 To manage hazardous facilities and activities involving the use and/or storage of hazardous substances so that adverse effects and unacceptable risks to the environment, human health and property are avoided, remedied or mitigated, including:

- contamination of soil, water or air;
- short or long term damage to ecosystems; and
- damage through fire and explosion events.

Management

6.2.13 To identify areas in the coastal marine area where the placement and use of moorings will be allowed, and to facilitate such use and development.

***Explanation.** The placement and use of swing moorings will be facilitated in specified mooring areas. Some control will still be maintained to ensure that the exact placement of moorings is appropriate, and that moorings are adequately maintained. In other parts of the coastal marine area, the placement and use of swing moorings will be assessed on a case by case basis, in accordance with the requirements of the Act and this Plan.*

6.2.14 To regularise the management of structures in the coastal marine area and to promote the removal of illegal structures.

***Explanation.** Two types of illegal structures occur in the coastal marine area in the Wellington Region. The first type of structure is one for which some approval has been sought and obtained, but the approval does not constitute a legal approval under the Act. Policy 6.2.14 seeks to have these structures legalised. The second type of illegal structure is one for which no approval has been sought, either under the Act, or under preceding legislation. The Policy seeks to have these structures legalised or removed.*

6.2.15 To initiate a survey of all structures fixed in, on, under, or over foreshore and seabed in the Wellington Region; and to use the information gained to establish an inventory of structures in the coastal marine area.

***Explanation.** Policy 6.2.15 is self explanatory.*

6.2.16 To provide for extensions or additions to any structures with minor effects in the coastal marine area as permitted or controlled activities, provided that they are in accordance with the objectives and other policies in this Plan.

***Explanation.** Additions to structures which have minor adverse effects in the coastal marine area include new structures on existing wharves (i.e. those which were built prior to 29 June 1994, when the Plan was publicly notified as a Proposed Plan) in the Commercial Port Area and the Lambton Harbour Development Area. Policy 6.2.1 still applies to such structures.*

[6.2.17 To ensure that noise sensitive activities that may be established in or on structures in the Commercial Port Areas and Lambton Harbour Development Area shown on Planning Maps 4A and 4B are adequately acoustically insulated from noise from port related activities.

Explanation. Port related activities can take place at any time of the day or night. There is a need to recognise the potential effects of noise from port related activities on developments involving noise sensitive activities within the port noise affected areas. If structures in the coastal marine area are to be used for noise sensitive activities such as residential uses, it is appropriate that the indoor sound environment meets a specified level of acoustic performance.]

[6.2.18 To apply the general standards and terms in Section 14.1 to resource consents for structures in the Commercial Port Areas and the Lambton Harbour Development Area shown on Planning Maps 4A and 4B that are to be used for noise sensitive activities, subject to consideration of the likely adverse effects of port noise on the future users and occupiers of buildings.

Explanation. Policy 6.2.18 is self explanatory.]

In section 6:

Policies 6.2.17 and 6.2.18 were inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

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Next page to follow is Page 55. Rules**

6.3 Rules

Guide to the Regional Rules for structures

Rule 6	Permitted Activity	Maintenance, repair, replacement, extensions, additions and alterations to structures
Rule 7	Permitted Activity	Removal or demolition of structures
Rule 8	Permitted Activity	Temporary structures
Rule 9	Permitted Activity	Navigation aids for shipping
Rule 10	Permitted Activity	Activities in or on structures
Rule 11	Permitted Activity	Occupation by structures of land of the Crown or any related part of the coastal marine area
Rule 12	Permitted Activity	Cargo and passenger handling equipment
Rule 13	Controlled Activity	Maintenance, repair, replacement, extensions, additions and alterations to structures
Rule 14	Controlled Activity	Removal or demolition of structures
Rule 15	Controlled Activity	Placement of swing moorings
Rule 16	Controlled Activity	Occupation by structures of land of the Crown or any related part of the coastal marine area
Rule 17	Discretionary and Restricted Coastal Activity	Structures which impound or effectively contain the coastal marine area
Rule 18	Discretionary and Restricted Coastal Activity	Structures more or less parallel to mean high water springs
Rule 19	Discretionary and Restricted Coastal Activity	Structures oblique or perpendicular to mean high water springs
Rule 20	Discretionary and Restricted Coastal Activity	Structures used in the petroleum and chemical industry
Rule 21	Non-complying and Restricted Coastal Activity	Structures which impound or effectively contain the coastal marine area in Areas of Significant Conservation Value
Rule 22	Non-complying and	Structures more or less parallel to mean

	Restricted Coastal Activity	high water springs in Areas of Significant Conservation Value
Rule 23	Non-complying and Restricted Coastal Activity	Structures oblique or perpendicular to mean high water springs in Areas of Significant Conservation Value
Rule 24	Non-complying and Restricted Coastal Activity	Structures used in the petroleum and chemical industry in Areas of Significant Conservation Value
Rule 25	Discretionary Activity	All remaining activities involving the use and development of structures outside any Area of Significant Conservation value
Rule 26	Non-complying Activity	All remaining activities involving the use and development of structures in Areas of Significant Conservation Value
Rule 27	Non-complying Activity	The use of any boat shed for residential purposes and non-water based activities which do not require a coastal location

Permitted Activities

Rule 6 Maintenance, repair, replacement, extensions, additions and alterations to structures

Any maintenance, repair, replacement extension, addition or alteration to or of any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) is contained within the form of the existing structure, or, provided that the structure is not listed in Appendix 4 (for which no extension, addition or external alteration is allowed by this Rule), adds no more than:
 - (a) within the Commercial Port Area, whichever is the smaller of:
 - 30% to the plan or cross-sectional area of the structure; or
 - 30 metres in horizontal projection and 10 metres in vertical projection;
 measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); or
 - (b) within the remaining coastal marine area, whichever is the smaller of:
 - 5% to the plan or cross-sectional area of the structure; or

- 5 metres in horizontal projection and 1 metre in vertical projection;
measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); and
- (2) does not substantially change the external appearance of the structure. For the avoidance of doubt, repainting shall not be deemed to substantially alter the appearance of a structure; and
- (3) (a) within any Area of Significant Conservation Value disturbs sand, shingle, shell, or other natural foreshore or seabed material in a quantity of less than either;
- a rate of 1 cubic metre per 5 metres of structure measured along the length or breadth of the structure, with a maximum disturbance of 20 cubic metres per structure; or
 - 3 cubic metres for placement or replacement of a pile; or
- (b) outside any Area of Significant Conservation Value does not require any blasting or other destruction of bedrock on the foreshore or seabed; and
- (4) if the structure is in the Hutt Valley Aquifer Zone, does not disturb foreshore or seabed to a depth greater than 0.5 metres below the bed; [and]
- [(5) if the structure is within a Commercial Port Area or the Lambton Harbour Development Area, shown on Planning Maps 4A and 4B, and the replacement, extension, addition or alteration is for a use that includes a noise sensitive activity;]

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.
- (2) The Hydrographer of the Royal New Zealand Navy shall be notified of any extension, addition or alteration of any structure which intrudes into or over any water used for navigation.

Rule 7 Removal or demolition of structures

Any removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) (a) within any Area of Significant Conservation Value disturbs sand, shingle, shell, or other natural foreshore or seabed material in a quantity less than either:

- a rate of 1 cubic metre per 5 metres of structure measured along the length or breadth of the structure, with a maximum disturbance of 20 cubic metres for a single structure; or
 - 3 cubic metres for removal of a pile; or
- (b) outside any Area of Significant Conservation Value does not require any blasting or other destruction of bedrock on the foreshore or seabed; and
- (2) if the structure is in the Hutt Valley Aquifer Zone, does not disturb foreshore or seabed to a depth greater than 0.5 metres below the bed; and
 - (3) results in the complete removal of the structure or the part of the structure from the coastal marine area; and
 - (4) is not a structure listed in Appendix 4;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The removal or demolition complies with the general standards listed in section 14.1.
- (2) The Hydrographer of the Royal New Zealand Navy shall be notified of any removal or demolition of any structure which intrudes into or over any water used for navigation.

Rule 8 Temporary structures

Any erection or placement of any temporary structure or any part of a temporary structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) does not require any blasting or other destruction of bedrock on the foreshore or seabed; and
- (2) if the structure is in the Hutt Valley Aquifer Zone, does not disturb foreshore or seabed to a depth greater than 0.5 metres below the bed; and
- (3) is to be used for an activity allowed by this Plan or by a coastal permit; and
- (4) will not be in place for a period exceeding 31 days or part days during any 12 month period, inclusive of erection or placement and removal; and
- (5) if the structure is fixed directly in, on, under or over foreshore, will not prevent lawful public access to and along the foreshore past the structure; and
- (6) if the structure is fixed directly in, on, under or over seabed, will not block any navigation channel; and

- (7) is not within any Area of Significant Conservation Value;
is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The erection or placement complies with the general standards listed in section 14.1.
- (2) The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation.

Rule 9 Navigation aids for shipping

Any erection or placement of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) is carried out for the sole purpose of the placement of a navigation aid for shipping;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The erection or placement complies with the general standards listed in section 14.1.
- (2) The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the navigation aid at the time work commences and at the time the navigation aid becomes operational.

Rule 10 Activities in or on structures

Any activity undertaken in or on any structure or any part of a structure fixed in, on, under, or over any foreshore or seabed which is not specifically provided for in a rule in this Plan, and:

- (1) was lawfully occurring at 29 June 1994 (the date of public notification of this Plan as a proposed plan); or
- (2) if outside the Lambton Harbour Development Area, is either:
 - (a) functionally dependent on a location in the coastal marine area; or
 - (b) an activity to support or service those which must locate in the coastal marine area, and which, because of a lack of a suitable space or operational constraints, cannot be located outside of the coastal marine area; or

- (3) is occurring on [or in] a new structure for which a coastal permit has been granted and is complying with the terms and conditions of that coastal permit; [or]
- [(4) is a noise sensitive activity and is within a Commercial Port Area or the Lambton Harbour Development Area shown on Planning Maps 4A and 4B;]

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

Rule 11 Occupation by structures of land of the Crown or any related part of the coastal marine area

The occupation by:

- any structure allowed by section 418(6) of the Act; and
- any road or road structure which was in existence before 1 October 1991;

of any land of the Crown or any related part of the coastal marine area, is a **Permitted Activity** provided that the activity complies with the conditions below.

Conditions

- (1) The person responsible for the structure shall at all times, throughout the period when the structure occupies land of the Crown or any related part of the coastal marine area, pay to the consent authority, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act.

Rule 12 Cargo and passenger handling equipment

Any erection, relocation, or placement of a crane, elevator, vehicle linkspan, gangways, or other similar cargo handling equipment, or equipment for the transfer of passengers, crews, and other persons, in the Commercial Port Area which does not exceed a height of 27 metres is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity complies with the general standards listed in section 14.1.

In condition (4) of Rule 6, the word in square brackets was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

Condition (5) of Rule 6 was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

In condition (3) of Rule 10, the words in square brackets were inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

Condition (4) of Rule 10 was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

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Next page to follow is Page 61. Controlled Activities

Controlled Activities

Rule 13 Maintenance, repair, replacement, extensions, additions and alterations to structures

Any maintenance, repair, replacement, addition or alteration to or of any existing lawful structure or any part of an existing lawful structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) is not a permitted activity described in Rules 6 to 12; and
- (2) is contained within the form of the existing structure, or adds no more than:
 - (a) within the Commercial Port Area, whichever is the smaller of:
 - 50 % to the plan or cross-sectional area of the structure; or
 - 50 metres in horizontal projection and 20 metres in vertical projection;measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); or
 - (b) within the remaining coastal marine area, whichever is the smaller of:
 - 20% to the plan or cross-sectional area of the structure; or
 - 10 metres in horizontal projection and 3 metres in vertical projection;measured from the structure existing at 29 June 1994 (the date of public notification of this Plan as a proposed plan); and
- (3)
 - (a) within any Area of Significant Conservation Value disturbs sand, shingle, shell, or other natural foreshore or seabed material in a quantity of less than either:
 - a rate of 1 cubic metre per 5 metres of structure measured along the length or breadth of the structure, with a maximum disturbance of 20 cubic metres per structure or;
 - 3 cubic metres for placement or replacement of a pile; or
 - (b) outside any Area of Significant Conservation value, does not require any blasting or other destruction of bedrock on the foreshore or seabed; [and]
- [(4) if the structure is within a Commercial Port Area or the Lambton Harbour Development Area, shown on Planning Maps 4A and 4B, and the replacement, extension, addition or alteration is for a use that includes a noise sensitive activity;]

is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The consent holder shall notify the Manager, Consents (Western Region), or the Manager, Planning and Resources (Wairarapa), Wellington Regional Council, 24 hours before any work commences.
- (2) The activity shall comply with the general terms listed in section 14.2.
- (3) The Hydrographer of the Royal New Zealand Navy shall be notified of any new structure or work in the coastal marine area which intrudes into or over any water used for navigation at the time permission is given and at commencement of the work, and when the structure or work is complete.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the extent and nature of the disturbance to foreshore or seabed; and
- (5) the external appearance of the structure.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the methods to be used; and
- (2) a description and map showing the location of the structure; and
- (3) a statement of the period of time in which work associated with the activity will be completed; and
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (5) an assessment of any actual or potential effects that the external appearance of the structure and the disturbance of the foreshore or seabed

may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Rule 14 Removal or demolition of structures

Any removal or demolition of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, including any associated disturbance of foreshore or seabed, which:

- (1) is not a permitted activity; and
- (2) (a) within any Area of Significant Conservation Value disturbs sand, shingle, shell, or other natural foreshore or seabed material in a quantity less than either:
 - a rate of 1 cubic metre per 5 metres of structure measured along the length or breadth of the structure, with a maximum disturbance of 20 cubic metres for a single structure; or
 - 3 cubic metres for removal of a pile; or
- (b) outside any Area of Significant Conservation Value does not require any blasting or other destruction of bedrock on the foreshore or seabed; and
- (3) is not a structure listed in Appendix 4;

is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The consent holder shall notify the Manager, Consents and Investigations (Western Region), or the Manager, Planning and Resources (Wairarapa), Wellington Regional Council, 24 hours before any work commences.
- (2) The activity shall comply with the general terms listed in section 14.2.
- (3) The Hydrographer of the Royal New Zealand Navy shall be notified of any new structure or work in the coastal marine area which intrudes into or over any water used for navigation at the time permission is given and at commencement of the work, and when the structure or work is complete.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the extent and nature of the disturbance to foreshore or seabed; and
- (5) the extent and nature of any part of the structure which is to remain in the coastal marine area.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the methods to be used; and
- (2) a description and map showing the location of the structure; and
- (3) a statement of the period of time in which work associated with the activity will be completed; and
- (4) a statement of the location and method of disposal of the removed or demolished material; and
- (5) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the

activity to which the application relates, and whether or not the applicant has applied for such consents; and

- (6) an assessment of any actual or potential effects:
- that the disturbance of the foreshore or seabed may have on the environment; and
 - that any remaining part of the structure may have on the environment; and
 - the ways in which any adverse effects may be mitigated.

Such an assessment shall be:

- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (7) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Rule 15 Placement of swing moorings

Any placement of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed for the sole purpose of swing mooring a vessel which:

- (1) is within a Mooring Area that has available mooring space;

is a **Controlled Activity** provided it complies with the standards and terms listed below.

Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The mooring shall be inspected yearly, and maintained in a good state of repair. Written advice to this effect shall be supplied to the Manager, Consents and Investigations Department, Wellington Regional Council, after each inspection.
- (2) The activity shall comply in all aspects with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the siting and nature of the mooring.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity including, the methods to be used; and
- (2) a description and map showing the location of the structure; and
- (3) a statement of the vessel details, including length, weight and type; and
- (4) a list of adjacent boats and their location; and
- (5) a description of the proposed mooring including size and type of shackle or chain, identified block weight, and length of chain; and

- (6) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (7) an assessment of any actual or potential effects that the activity may have on other users of the coastal marine area, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (8) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Rule 16 Occupation by structures of land of the Crown or any related part of the coastal marine area

The occupation by any lawful structure of any land of the Crown or any related part of the coastal marine area, is a **Controlled Activity** provided that activity complies with the terms listed below.

Terms

- (1) The person responsible for the structure shall at all times throughout the period when the structure occupies land of the Crown or any related part of the coastal marine area, pay to the consent authority, on behalf of the Crown, any sum of money required to be paid by regulations made under section 360(1)(c) of the Act;
- (2) The activity shall comply with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the degree of exclusivity of the occupation; and
- (5) any maintenance requirements.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the structure and its current and intended use and the extent of occupation sought, including a statement of whether the public has access to the structure; and
- (2) a description and map showing the location of the structure; and
- (3) a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice; and
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the consent relates, and whether or not the applicant has applied for such consents; and
- (5) an assessment of any actual or potential effects that the occupation by the structure may have on other users of the coastal marine area, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

In condition (3) of Rule 13, the word in square brackets was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

Condition (4) of Rule 13 was inserted by Plan Change 1 to the Regional Coastal Plan operative 12 July 2008.

Next page to follow is Page 69. Discretionary and Restricted Coastal Activities

Discretionary and Restricted Coastal Activities

Rule 17 Structures which impound or effectively contain the coastal marine area

Any activity involving the erection of a structure or structures which will:

- (1) impound or effectively contain 8 hectares or more of the coastal marine area; and
- (2) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 18 Structures more or less parallel to mean high water springs

Any activity involving the erection of a structure or structures, other than a submarine or subaqueous cable:

- (1) which is solid (or presents a significant barrier to water or sediment movement); and
- (2) when established on the foreshore or seabed would extend more than 1000 metres in length, more or less parallel to the line of mean high water springs (including separate structures which incrementally total 1000 metres, or more contiguously); and
- (3) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 19 Structures oblique or perpendicular to mean high water springs

Any activity involving the erection of a structure or structures, other than a submarine or subaqueous cable:

- (1) which is solid (or presents a significant barrier to water or sediment movement); and
- (2) which is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area; and
- (3) which in horizontal projection is 1000 metres or more in length; and
- (4) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 20 Structures used in the petroleum and chemical industry

Any activity involving the erection of a structure or structures which is:

- (1) for the containment of any petroleum, petroleum products or other contaminants; and
- (2) contains quantities of 100,000 litres or more; and
- (3) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Non-complying and Restricted Coastal Activities

Rule 21 Structures which impound or effectively contain the coastal marine area in Areas of Significant Conservation Value

Any activity involving the erection of a structure or structures which:

- (1) will impound or effectively contain 8 hectares or more of the coastal marine area; and
- (2) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 22 Structures more or less parallel to mean high water springs in Areas of Significant Conservation Value

Any activity involving the erection of a structure or structures, other than submarine or sub aqueous cables which:

- (1) are solid (or present a significant barrier to water or sediment movement); and
- (2) when established on the foreshore or seabed would extend more than 1000 metres in length, more or less parallel to the line of mean high water springs (including separate structures which incrementally total 1000 metres, or more contiguously); and
- (3) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 23 Structures oblique or perpendicular to mean high water springs in Areas of Significant Conservation Value

Any activity involving the erection of a structure or structures, other than a submarine or subaqueous cable which is:

- (1) solid (or presents a significant barrier to water or sediment movement); and
- (2) sited obliquely or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area; and
- (3) is in horizontal projection 1000 metres or more in length; and

(4) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 24 Structures used in the petroleum and chemical industry in Areas of Significant Conservation Value

Any activity involving the erection of a structure or structures which is:

- (1) for the storage or containment of any petroleum, petroleum products or other contaminants; and
- (2) contains quantities of 100,000 litres or more; and
- (3) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Discretionary Activities

Rule 25 All remaining activities involving the use and development of structures outside any Area of Significant Conservation value

Any activity involving the use or development of any structure or any part of a structure fixed in, on, under or over foreshore or seabed outside an Area of Significant Conservation Value:

- that is not specifically provided for in Rules 6 to 24 or Rules 26 or 27; or
- which cannot meet the requirements of those Rules;

is a **Discretionary Activity** and shall comply with the terms below.

Terms

The Hydrographer of the Royal New Zealand Navy shall be notified of any erection or placement of the structure where the structure intrudes into or over any water used for navigation at the time permission is given, at commencement of the work, and when the structure or work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Non-complying Activities

Rule 26 All remaining activities involving the use and development of structures in Areas of Significant Conservation Value

Any activity involving the use or development of any structure or any part of a structure fixed in, on, or over foreshore or seabed:

- that is not specifically provided for in Rules 6 to 25; or
- which cannot meet the requirements of those Rules; and
- is proposed for any Area of Significant Conservation Value;

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 6.4.

Rule 27 The use of any boat shed for residential purposes and non-water based activities which do not require a coastal location

The use of any boat shed for residential purposes and non-water based activities which do not require a coastal location is a **Non-complying Activity**.

Application for a Resource Consent

Application for resource consent shall be made in accordance with section 6.4.

6.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for use or development of any structure shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity, including the methods and materials to be used;
- (2) a description and map showing the location of the structure;
- (3) a drawing or drawings of the structure showing all details of the proposed work which are necessary and relevant to determine any actual or potential effects on the environment;
- (4) a statement regarding the proposed use of the structure and why it must be located in the coastal marine area;
- (5) in respect of a shore protection structure, an evaluation of alternative means of mitigating the hazard;
- (6) a statement of the period of time required to complete the work associated with the activity;
- (7) a description of the final external appearance of the structure;
- (8) a statement of any proposed maintenance programme;
- (9) a statement of how the structure will be removed if it is no longer required, or the reasons why such removal is not warranted;
- (10) a description of the foreshore and seabed at the site, including fauna and flora, sediment type, and suitability as a foundation for any structure;
- (11) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua;
- (12) a statement of the degree of exclusive occupation required, and why such exclusive occupation is required;
- (13) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
- (14) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and

(15) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

7. Destruction, Damage or Disturbance of Foreshore or Seabed

See this section regarding any activity which results in destruction, damage, or disturbance of foreshore or seabed, including:

- dredging
- excavation
- mining
- beach reshaping
- clearance of stormwater outlets
- drilling
- tunnelling
- beach grooming
- river and stream mouth cutting

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

7.1 Objectives

Environmental

- 7.1.1 The area of bedrock destroyed is minimised.
- 7.1.2 The adverse effects from activities which destroy, damage, or disturb foreshore or seabed are avoided, remedied or mitigated.
- 7.1.3 Destruction, damage or disturbance to the foreshore or seabed which adversely affect the values of the areas identified as Areas of Significant Conservation Values or Areas of Important Conservation Value, is avoided.

Management

- 7.1.4 The positive effects from activities which disturb foreshore or seabed are recognised where such activities are undertaken for the well-being of the community. Activities with minor adverse effects are allowed.

7.2 Policies

Environmental

7.2.1 To allow activities involving damage or disturbance to any foreshore or seabed, where the adverse effects are short term, reversible, or minor; and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated. As a guide, the following criteria will need to be met for the activity to be deemed to have minor adverse effects:

- the activity will not require exclusive use of the foreshore or seabed, and will not preclude public access to and along the foreshore past the site of the disturbance or damage;
- any adverse effects on plants and animals or their habitat will be short term, and the area will be naturally recolonised by a similar community type;
- the activity will not result in any significant increase in water turbidity or elevated levels of contaminants;
- the activity will not have any off-site adverse effects;
- the activity will not adversely affect shoreline stability;
- the activity will not have any permanent adverse effects on the amenity values of the foreshore or seabed;
- the activity will not have any adverse effect on natural character;
- the activity will not destroy or damage historic sites;
- the activity will not have any adverse effects on the Hutt Valley aquifer; and
- the activity will not have any adverse effects on mahinga maataitai, waahi tapu or any other sites of significance to iwi.

Explanation. Policy 7.2.1 seeks to provide for those activities involving disturbance or damage to the foreshore or seabed which have minor adverse effects. Such activities would include river management associated with flood or erosion control, clearance of stormwater outlets, the clearance of a launching site, and beach grooming. The criteria for determining a "minor adverse effect" are provided as a guide. It is not necessarily a comprehensive list of all possible effects. The Policy does not preclude the need for these activities to comply with environmental controls.

Point 1 deals with public access and the use of the foreshore or seabed. For an activity to be deemed to have minor adverse effects in relation to this Policy, the activity shall not prohibit public access or the use of the foreshore or seabed. For example, an activity could take place on part of the foreshore, provided that there was adequate space for the public to move along the foreshore past the site where the activity is taking place.

Point 2 deals with effects on plants and animals or their habitats. Short term adverse effects are those which will occur during and immediately following a particular activity, but which will not persist beyond this period. When the activity is completed, the affected area will recolonise with plants or animals of a similar type to those colonising the area prior to the disturbance.

Point 3 deals with water turbidity and the release of contaminants resulting from the suspension of fine sediments during the activity. This is not likely to be a significant problem if the activity takes place on foreshore or seabed not covered by water, or when the foreshore or seabed does not contain a substantial portion of sediments less than 63 microns in diameter.

Point 4 refers to off-site effects. These are effects resulting from the damage or disturbance, but occurring away from the site, which is the area of foreshore or seabed damaged or disturbed. An example would be suspended sediment smothering aquatic plants and animals downdrift from the site of the activity.

Point 5 deals with adverse effects on shoreline stability. If the activity interrupts the supply of sediment to the shoreline, it may result in erosion, and a corresponding landward retreat of the shoreline. Removal of protective gravel or shell banks or cobbles could also affect shoreline stability.

Point 6 requires that the damage or disturbance does not diminish amenity values. "Amenity values" are as defined in the Act.

Point 7 requires that the damage or disturbance does not adversely affect natural character.

Point 8 deals with historic sites and requires that, for the disturbance or damage to have minor effects, it must not destroy or damage such sites.

Point 8 will only occur in parts of Wellington Harbour. Adverse effects on the aquifer would occur if the foreshore or seabed damage or disturbance penetrated the aquiclude protecting the aquifer, resulting in a loss of freshwater from the aquifer, and a corresponding drop of pressure inland. Alternatively, the disturbance may result in salt water intrusion into the aquifer.

Point 9 deals with adverse effects on characteristics of significance to tangata whenua. An example would be smothering of a traditional food gathering reef.

- 7.2.2 To allow the removal of any sand, shingle, shell, or other natural material from any foreshore or seabed only where that removal will not result in adverse effects on shoreline stability.

Explanation. *The removal of material from a foreshore or seabed can only be sustained if natural processes replace that material. The removal of non-renewable material from an active sediment transport system will result in erosion of the foreshore or seabed. Adverse effects on shoreline stability will generally be avoided if the removal takes place from areas where there is a*

natural long-term accretion of material and where the rate of removal is less than the rate of accretion.

- 7.2.3 To allow repeated disturbance or destruction of foreshore for the purpose of beach grooming only on specified high use beaches adjacent to urban areas.

Explanation. *Beach grooming incorporates both reshaping of a beach, and the removal of litter, marine debris, and seaweed. Beach grooming is limited to specified high use beaches adjacent to urban areas because of the potential adverse effects of removing driftwood and seaweed on the habitat of beach fauna and on the natural physical processes that occur on beaches. The operation of heavy machines can also have adverse effects on benthic fauna.*

- 7.2.4 To not allow any activity which results in the destruction of any foreshore or seabed unless:

- no practicable alternative is available; and
- any adverse effects are mitigated or remedied to the extent practicable, including reinstatement of the foreshore or seabed.

Explanation. *The destruction of foreshore or seabed is considered to have greater impacts than either damage or disturbance. Destruction would occur, for example, when a reef was blasted to allow the laying of a pipeline. Full reinstatement in such a situation will be impossible, although the area could be filled with rock material. “Practicable” includes recognition of both technical and financial constraints.*

- 7.2.5 To not allow activities involving the disturbance or damage of foreshore or seabed if they present a threat to the Hutt Valley artesian system.

Explanation. *Policy 7.2.5 is self explanatory.*

- 7.2.6 To not allow the removal or destruction of rocks which have traditional significance to tangata whenua.

Explanation. *Policy 7.2.6 is self explanatory.*

- 7.2.7 To recognise dredging of the Hutt River mouth for river management purposes as an appropriate activity, provided that the dredging is limited to that required to maximise the efficient flow of the river and that the Hutt Valley aquifer is protected.

Explanation. *The efficient flow of the Hutt River will be maximised when flood waters are discharged through the river mouth with the minimum increase in water elevations upstream. River management purposes are those which are undertaken to minimise the risks from flooding.*

- 7.2.8 To recognise the need for and to allow periodic maintenance and additional capital dredging in the Commercial Port Area, the Lambton Harbour Development Area, and in navigation channels, provided that there will be no significant adverse effects on the environment. In situations where the adverse effects are significant, to allow dredging only if these effects can be satisfactorily mitigated, remedied or offset.

***Explanation.** Dredging involves the removal of material from the sea floor. As a guide, significant adverse effects will occur when the criteria listed in Policy 7.2.1 cannot be satisfied.*

Management

- 7.2.9 To provide for activities with known and acceptable effects which contribute to the well-being of people and communities as permitted or controlled activities.

***Explanation.** Activities which contribute to the well-being of people and communities include, for example, clearing stormwater outlets, beach grooming, port related maintenance dredging and river mouth cutting.*

- 7.2.10 To investigate the possibility of establishing voluntary groups to undertake beach grooming and thereby minimise the need for large scale mechanical grooming.

***Explanation.** Beach cleaning by voluntary community groups may provide an alternative to mechanical cleaning. Policy 7.2.10 requires that this option be investigated to determine if such groups can be utilised in the Wellington Region.*

7.3 Rules

Guide to the Regional Rules for destruction, damage or disturbance of foreshore or seabed

Rule 28	Permitted Activity	Clearance of piped stormwater outfalls
Rule 29	Permitted Activity	Beach grooming and re-contouring
Rule 30	Permitted Activity	River and stream mouth cutting
Rule 31	Permitted Activity	Launching, retrieval, navigation and mooring of vessels
Rule 32	Permitted Activity	Drilling
Rule 33	Permitted Activity	Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area
Rule 34	Controlled Activity	River and stream mouth cutting
Rule 35	Controlled Activity	Dredging for river management purposes
Rule 36	Controlled Activity	Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area
Rule 37	Discretionary and Restricted Coastal Activity	Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth
Rule 38	Discretionary and Restricted Coastal Activity	Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth Area
Rule 39	Non-complying and Restricted Coastal Activity	Disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value
Rule 40	Discretionary Activity	Other activities involving the destruction, damage, or disturbance of

		foreshore or seabed outside Areas of Significant Conservation Value
Rule 41	Discretionary Activity	Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle
Rule 42	Discretionary Activity	Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc) including the removal of sand, shell or shingle or other material
Rule 43	Non-complying Activity	Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value

Permitted Activities

Rule 28 Clearance of piped stormwater outfalls

Any activity involving disturbance or damage of foreshore or seabed which:

- (1) is carried out for the purpose of clearing the exit of any piped stormwater outfall;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The extent of foreshore disturbance is limited to that required to create a free-draining path from the stormwater outlet to the sea.
- (2) The activity must not preclude public access to and along the foreshore past the site of the activity.
- (3) No contaminants shall be released to land or water from equipment being used for the clearance operation, and no refuelling may take place on any area of foreshore or seabed.
- (4) All material excavated shall be retained within the active beach system.
- (5) All equipment and materials used for the clearance operation shall be removed from the site on completion of the operation.
- (6) The activity shall comply with the general standards listed in section 14.1.

Rule 29 Beach grooming and re-contouring

Any activity involving disturbance or damage of foreshore or seabed which:

- (1) occurs on the following beaches:
 - Titahi Bay
 - Karehana Bay
 - Plimmerton
 - Browns Bay
 - Bradley Point
 - Motukaraka Point
 - Mana Foreshore
 - Onehunga Bay
 - Pukerua Bay
 - Lyall Bay
 - Island Bay
 - Princess Bay
 - Worser Bay
 - Scorching Bay
 - Oriental Bay
 - Freyberg
 - Petone
 - Point Howard
 - Sorrento Bay
 - Days Bay
 - Rona Bay
 - Ngawihi
 - Castlepoint Beach
 - Riversdale Beach; and
 - (2) is carried out for the purpose of removing marine debris, litter, or dead seaweed or, with the exception of Titahi Bay, re-contouring or reshaping of foreshore; and
 - (3) is not a restricted coastal activity as defined in Rules 37 and 38;
- is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity must not preclude public access to and along the foreshore past the site of the activity.
- (2) No contaminants shall be released to land or water from equipment being used for the recontouring or reshaping operation, and no refuelling may take place on any area of foreshore or seabed.
- (3) No sand may be removed from the foreshore during any beach grooming operation, other than that sand attached to any marine debris, litter or dead seaweed.
- (4) Sand may be relocated but no sand may be removed from the foreshore during any recontouring or reshaping operation.
- (5) All equipment and materials used for the recontouring or reshaping operation shall be removed from the site on completion of the operation.
- (6) The activity shall comply with the general standards listed in section 14.1.
- (7) If the activity is carried out on Titahi Bay beach, it shall be carried out by or on behalf of a local authority to maintain amenity values and any vehicle used shall not have tracks and the activity is not to involve recontouring or reshaping.

Rule 30 River and stream mouth cutting

Disturbance of foreshore and seabed, including any associated deposition of natural material and diversion of water, which:

- (1) is carried out for the purpose of realignment of the following stream and river mouths:
 - Waitohu Stream
 - Otaki River
 - Mangaone Stream
 - Hadfield Drain
 - Waimeha Stream
 - Tikotu Stream
 - Wharemauku Stream
 - Whareroa Stream
 - Wainui Stream
 - Waikakariki Stream
 - Makara Stream
 - Lake Onoke

- Unnamed Stream approximately 190 metres south of the seaward end of Sunrise Way, Riversdale
 - Unnamed Stream approximately 145 metres north of the seaward end of Sunrise Way, Riversdale
 - Unnamed Stream at the seaward end of Karaka Drive, Riversdale
 - Motuwaireka Stream
 - Castlepoint Stream; and
- (2) is undertaken when the trigger levels defined in Table 7.1 on pages 90 to 92 are equalled or exceeded;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The foreshore is not disturbed to a depth greater than 1 metre below the natural water table or to a width greater than 5 metres.
- (2) Subject to the exception stated below, the activity shall not prevent public access to and along the foreshore past the site of the cutting operation. This condition shall not apply to any restrictions on access arising from water flowing in any new outlet channel.
- (3) No contaminants shall be released to land or water from equipment being used for the cutting operation, and no refuelling may take place on any area of foreshore or seabed.
- (4) All material excavated shall be retained within the active beach system.
- (5) All equipment and materials used for the cutting operation shall be removed from the site on completion of the operation.
- (6) With respect to Lake Onoke, the mechanical opening shall not occur during the period February to May inclusive each year without prior direct liaison with a nominated representative (or in their absence a nominated deputy) from the Tuhirangi Marae.
- (7) The activity shall comply with the general standards listed in section 14.1.

Table 7.1 Trigger levels for river and stream mouth cutting in accordance with Rules 30 and 34

River	Reason	Trigger
Waitohu Stream	Erosion	When the channel outlet within the coastal marine area migrates either north or south of the area defined by the projected lines 250 metres north and 1000 metres north of Konini Street or the channel outlet creates a vertical scarp in the sand dunes which exceeds 2 metres in height
	Flooding	When the water level increases 500 millimetres or more above normal river levels adjacent to Mahoe Street
Otaki River	Erosion	When the channel outlet in the coastal marine area migrates either 300 metres south or 300 metres north of the centre line of the river measured 700 metres upstream
	Flooding	When the river mouth closes or the Rangiora flood gates are unable to effectively operate due to high water levels
Mangaone Stream	Erosion	When the channel outlet within the coastal marine area migrates either 100 metres south or 300 metres north of the Te Horo Beach Road
	Flooding	When the water level increases 300 millimetres or more above normal river levels at the Sims Road bridge
Hadfield Drain	Erosion	When the channel outlet within the coastal marine area migrates either south or north to an extent where it undermines sand dunes and creates a vertical scarp in the sand dunes which exceeds 1.5 metres in height
	Flooding	When the stream mouth closes the stream is unable to flow over the sand bar in normal flow
Waimeha Stream	Erosion	When the channel outlet within the coastal marine area migrates either 250 metres south or 150 metres north of a centre line determined by the training wall adjacent to Field Way or the channel outlet creates a vertical scarp in the sand dunes which exceeds 2 metres in height
	Flooding	When the water level increases 300 millimetres or more above normal river levels as measured at the Field Way road bridge
Waikanae River	Erosion	When the channel outlet within the coastal

River	Reason	Trigger
		marine area migrates either 500 metres south or 200 metres north of a projected line parallel to the centre line of the groyne on the south bank of the river
	Flooding	When the water level increases 300 millimetres or more above the normal river levels at the Otaihanga footbridge
Tikotu Stream	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or south of the pole retaining walls by the Kapiti Boating Club
	Flooding	When the stream mouth closes or the distance from the soffit to the water level at the downstream end of the armco at Marine Parade is less than 900 mm in normal flow at low tide
Wharemauku Stream	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres south or 70 metres north from the corner of the southern bank protection wall
	Flooding	When the stream mouth closes or the distance from the soffit to the water level at the downstream end of the twin cell box culvert on Matatua Road is less than 1.7 metres in normal flow at low tide
Whareroa Stream	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres south or 50 metres north of the end of the southern bank protection wall
	Flooding	When the stream mouth closes or the distance between the timber bridge deck (approximately 100 metres upstream) and the water level is less than 1.6 metres in normal flow at low tide
Wainui Stream	Erosion	When the channel outlet within the coastal marine area migrates either south of or 60 metres north of the end of the pole retaining structure
	Flooding	When the stream mouth closes or the distance between the timber bridge deck (approximately 50 metres upstream) (is less than 1.5 metres in normal flow at low tide
Waikakariki Stream	Erosion	When the channel mouth within the coastal marine area migrates either south and undermines the protection wall, or north and creates a vertical scarp in the sand dunes

River	Reason	Trigger
		which exceeds 1 metre in height
	Flooding	When the stream mouth closes or becomes blocked with debris and logs or the distance from the top of the right hand railway iron post on the log grill to the water level is less than 900 mm
Makara Stream	Flooding	When the stream mouth closes and the stream overtops its banks
Lake Onoke	Flooding	A level of 10.6 metres or greater is recorded at the Lake Onoke recording station
Unnamed Stream approximately 190 metres south of the seaward end of Sunrise Way, Riversdale	Erosion	When the channel outlet within the coastal marine area migrates north of a projected line parallel to and 175 metres south of the southern side of Sunrise Way
	Flooding	When the stream mouth closes
Unnamed Stream approximately 145 metres north of the seaward end of Sunrise Way, Riversdale	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or 20 metres south of a projected line parallel to and 145 metres north of the northern side of Sunrise Way
	Flooding	When the stream mouth closes
Unnamed Stream at the seaward end of Karaka Drive, Riversdale	Erosion	When the channel outlet within the coastal marine area migrates either 20 metres north or 20 metres south of the projected line of the southern side of Karaka Avenue
	Flooding	When the stream mouth closes
Motuwaireka Stream	Flooding	When the stream mouth closes
Castlepoint Stream	Flooding	When the stream mouth closes

Rule 31 Launching, retrieval, navigation and mooring of vessels

Any activity involving the disturbance or damage of the foreshore or seabed which:

- (1) results from the launching, retrieval, navigation or mooring of vessels; is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) Any disturbance of the foreshore or seabed is removed by two high tides.
- (2) The activity shall comply with the general standards listed in section 14.1.

Rule 32 Drilling

Disturbance and damage of foreshore and seabed associated with any drilling operation which:

- (1) uses drilling equipment which has a maximum diameter of less than 200 mm; and
- (2) occurs outside of, and does not interfere with, the “Hutt Valley Aquifer Zone” as shown on Planning Map 5 in Appendix 7;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

Rule 33 Maintenance dredging within the Commercial Port Area or Lambton Harbour Development Area

Disturbance and damage of foreshore and seabed for the purpose of removal of sand, shingle, shell or other material associated with maintenance dredging to levels previously approved by resource consent under the Resource Management Act, which:

- (1) is within the Commercial Port Area or Lambton Harbour Development Area;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity shall be undertaken in a manner which minimises water turbidity.

- (2) The Hydrographer of the Royal New Zealand Navy shall be notified when the dredging commences and when the dredging is completed.
- (3) The activity shall comply with the general standards listed in section 14.1.

Note: For the avoidance of doubt, this Rule applies to disturbance associated with the removal of sediments from the sea floor, and not to any dumping or other form of release of any sediment at any other site. "Maintenance dredging" is defined in the Interpretation in section 3.

Controlled Activities

Rule 34 River and stream mouth cutting

Disturbance of foreshore and seabed, including any associated deposition of natural material and diversion of water, which:

- (1) is carried out for the purpose of realignment of the Waikanae River; and
- (2) is undertaken when the trigger level defined in Table 7.1 on pages 92 to 94 is equalled or exceeded;

is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The foreshore is not disturbed to a depth greater than that required to divert the stream flow.
- (2) Public access is not restricted to an extent or for a period greater than necessary to complete the cutting operation.
- (3) No contaminants shall be released to land or water from equipment being used for the cutting operation, and no refuelling may take place on any area of foreshore or seabed.
- (4) Any material excavated shall be placed on the immediately adjacent foreshore area, and no material shall be removed from the site.
- (5) All equipment and materials used for the cutting operation shall be removed from the site on completion of the operation.
- (6) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The Manager, Consents and Investigations, Wellington Regional Council, shall be notified at least 24 hours before any cutting operation commences.
- (2) The Regional Conservator, Department of Conservation, shall be notified at least 24 hours before any cutting operation commences.
- (3) The activity shall comply with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent and the number of cutting operations allowed; and
- (2) the information and monitoring requirements; and
- (3) the timing of any cutting operation; and
- (4) the equipment to be used for the cutting operation; and
- (5) the administrative charges payable.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity including the methods to be used; and
- (2) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (3) an assessment of any actual or potential effects that the timing of the cutting operation will have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (4) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and

- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Rule 35 Dredging for river management purposes

Disturbance and damage of foreshore and seabed associated with dredging river mouth areas for river management purposes, including any associated discharge of water or contaminants, but excluding the dumping of dredged material, which:

- (1) is not a restricted coastal activity as defined in Rule 37;

is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The activity shall be undertaken in a manner which minimises water turbidity.
- (2) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The person undertaking the activity shall at all times throughout the period when dredging occurs, pay to the consent authority, on behalf of the Crown, any sum of money required to be paid by regulation made under section 360(1)(c) of the Act.
- (2) The activity shall comply in all respects with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and

- (4) the method of dredging; and
- (5) the depth of dredging; and
- (6) the frequency and timing of dredging; and
- (7) the volume of material removed.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity including the methods to be used; and
- (2) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (3) an assessment of any actual or potential effects that any release of contaminants from the disturbed sediments will have on the environment, that dredging will have on the foreshore or seabed, on the stability of the adjacent shoreline, and on any transitory marine species, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (4) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Rule 36 Maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area

Disturbance and damage of foreshore and seabed for the purpose of removal of sand, shingle, shell or other material associated with maintenance dredging outside the Commercial Port Area and Lambton Harbour Development Area is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The activity shall comply with the general terms listed in section 14.2.
- (2) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when the dredging commences and when the dredging is completed.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the method of dredging; and
- (5) the depth of any dredging that occurs in the Hutt Valley Aquifer Zone; and
- (6) the amount and nature of any contaminants that may be released.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the methods and equipment to be used; and
- (2) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and

- (3) an assessment of any actual or potential effects that the method of dredging and any associated discharge of contaminants may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (4) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Note: For the avoidance of doubt, this Rule applies only to disturbance associated with the removal of sediment from the sea floor, and not to any dumping or other form of release of any sediment at any other site.

Discretionary and Restricted Coastal Activities

Rule 37 Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle outside the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth

Any activity involving, in any 12 month period, disturbance, other than for maintenance dredging, of foreshore and seabed, including any removal of sand, shell or shingle, or other material:

- (1) in volumes greater than 50,000 cubic metres; or
- (2) extracted from areas equal to or greater than 4 hectares; or

- (3) extending 1000 metres of more over foreshore or seabed; and
- (4) proposed for an area of the coastal marine area outside any Area of Significant Conservation Value or outside the Commercial Port Area, Lambton Harbour Development Area, Harbour Entrance Area, or Hutt River mouth;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when dredging commences and when work is completed.

For the purpose of this clause, **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.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Rule 38 Major disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle within the Lambton Harbour Development Area, Commercial Port Area, Harbour Entrance or Hutt River Mouth Area

Any activity involving, in any 12 month period, disturbance, other than for maintenance dredging, of foreshore and seabed, including any removal of sand, shell or shingle, or other material:

- (1) in volumes greater than 300,000 cubic metres; or
- (2) extracted from areas equal to or greater than 10 hectares; or
- (3) extending 10,000 metres of more over foreshore or seabed; and
- (4) proposed for an area of the coastal marine area within the Commercial Port Area, Lambton Harbour Development Area, Harbour Entrance Area, or Hutt River mouth area

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when dredging commences and when work is completed.

For the purpose of this clause, 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.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Non-complying and Restricted Coastal Activities**Rule 39 Disturbance of foreshore and seabed (excavate, drill, move, tunnel etc.), including any removal of sand, shell or shingle in Areas of Significant Conservation Value**

Any activity involving, in any 12 month period, disturbance, other than for maintenance dredging, of foreshore and seabed, including removal of sand, shell or shingle, or other material which:

- (1) is not for maintenance dredging and/or for maintaining the outlets of Lake Onoke or the Waikanae River as provided for in Rules 30 and 34; and
- (2) is proposed for any Area of Significant Conservation Value; and
- (3)
 - (a) is of greater than 50,000 cubic metres in volume; or
 - (b) is extracted from areas equal to or greater than 4 hectares; or
 - (c) extends 1000 metres or more over foreshore or seabed;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when dredging commences and when work is completed.

For the purpose of this clause, 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.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Discretionary Activities

Rule 40 Other activities involving the destruction, damage, or disturbance of foreshore or seabed outside Areas of Significant Conservation Value

Any activity involving the destruction, damage, or disturbance of any foreshore or seabed:

- (1) that is not specifically provided for in Rules 28 – 39 or Rule 43 or any other rules in this Plan; or
- (2) which cannot meet the requirements of those rules;

is a **Discretionary Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified at the time permission is given and at commencement of the work, and when the destruction, damage or disturbance of foreshore or seabed is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Rule 41 Dredging in the Hutt River mouth area for river mouth management purposes including any removal of sand, shell or shingle

Any activity involving, in any 12 month period, disturbance, of foreshore and seabed, for the purposes of maintaining the Hutt River mouth for river management, including any removal of sand, shell or shingle, or other material:

- (1) in volumes less than 300,000 cubic metres; or
- (2) extracted from areas equal to or greater than 4 hectares; or
- (3) extending 1000 metres or more over foreshore or seabed;

is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Rule 42 Major disturbance of foreshore and seabed (excavate, drill, move, tunnel, etc) including the removal of sand, shell or shingle or other material

Any activity involving, in any 12 month period, disturbance, other than for maintenance dredging, of foreshore and seabed, including any removal of sand, shell, shingle or other material:

- (1) in the Commercial Port Area, the Lambton Harbour Development Area, or the Harbour Entrance Area; and
- (2) in volumes less than 300,000 cubic metres; and
- (3) extracted from areas equal to or less than 10 hectares; and
- (4) extending 10,000 metres or less over foreshore or seabed;

is a **Discretionary Activity** provided it complies with the standards specified below.

Standards

- (1) The activity shall be undertaken in a manner which minimises water turbidity as far as is reasonably practicable.
- (2) The activity shall comply with the general terms listed in section 14.2.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

Non-complying Activities

Rule 43 Other activities involving the destruction, damage or disturbance in Areas of Significant Conservation Value

Any activity involving the destruction, damage or disturbance of foreshore or seabed:

- that is not specifically provided for in Rules 28-40; or
- which cannot meet the requirements of those Rules; and
- is proposed for any Area of Significant Conservation Value;

is a **Non-complying Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified at the time permission is given and at commencement of the works, and when the destruction, damage or disturbance of foreshore or seabed is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 7.4.

7.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for any activity involving the destruction, damage, or disturbance of foreshore or seabed, shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity, including the methods to be used;
- (2) a map at an appropriate scale showing the location of the activity;
- (3) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity, and if the activity involves the removal of sand, shingle, shell or other natural materials for commercial purposes, a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice;
- (4) a description of the fate of the material that is damaged, destroyed, or disturbed;
- (5) a description of the plants and animals found at and immediately adjacent to the site;
- (6) a description of public use of the site;
- (7) details of the geological nature of the foreshore or seabed to be damaged, destroyed, or disturbed, including the particle size distribution for unconsolidated sediments;
- (8) a description of the sediment system and its dynamics;
- (9) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua;
- (10) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;
- (11) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (12) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

8. Deposition of Substances on Foreshore or Seabed

See this section regarding any activity which results in the deposition of any substance on foreshore or seabed, including:

- dredge spoil disposal
- beach nourishment

Note: When considering an application of a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

8.1 Objectives

Environmental

- 8.1.1 Where appropriate, the amenity value of beaches is improved through the deposition of sand, shingle, shell and other natural material.
- 8.1.2 Beach nourishment is used as a means of mitigating the adverse effects of coastal erosion.
- 8.1.3 The adverse effects of all deposition of sand, shingle, shell or other natural material are avoided, remedied, or mitigated. In particular, there are no significant effects on:
- fauna, flora or habitats; or
 - fish spawning and nursery grounds; or
 - physical coastal processes or characteristics; or
 - mahinga maataitai; or
 - human health or safety.

Management

- 8.1.4 The administrative requirements for activities involving the appropriate nourishment of beaches are minimised.

8.2 Policies

Environmental

8.2.1 To allow the deposition of sand, shingle, shell or other natural material on areas of foreshore or seabed if the purpose of that deposition is to combat beach or shoreline erosion, or to improve the amenity value of the foreshore, provided that all of the following criteria can be met:

- the composition of the material is suitable for the site, will remain on the foreshore or seabed for a reasonable period of time, and will not result in increased water turbidity or wind borne sediment transport;
- the deposition will not adversely affect the amenity value of the foreshore or seabed through significant changes in beach slope or texture; and
- the deposition will not cause any significant adverse effects on marine fauna or flora, or human values or uses of the area.

Explanation. Beach erosion is caused by a deficit in the sediment budget, and can be mitigated by adding material to reduce the deficit, or even to create a positive budget. The amenity value of a foreshore could be improved by creating a wider beach, or by placing sand or other fine material on a beach which has been denuded of fine material.

Point 1 requires the composition of the material to be suitable for the site. Beach sediments are generally in some form of equilibrium with the wind, wave and current regimes operating at the site. If fine particles are placed on an exposed beach which is naturally composed of coarse sediments, the fine particles will be readily transported off or along the foreshore. Any offshore transport may result in an increase in water turbidity. Any transport of wind borne sediment onshore may be of nuisance value. A reasonable period of time in this context would generally be months and years rather than days and weeks.

Point 2 refers to changes in beach slope or texture. In general, the coarser the particles, the steeper the beach. Nourishing a sand beach with granules or coarser particles could result in a steeper beach, and change the beach from sand to gravel or mixed sand and gravel. This may be perceived by the public as decreasing the amenity value of the beach.

The deposition of substances on foreshore or seabed could bury existing fauna and flora. Point 3 requires that any effects be of a short duration, and that the area be recolonised. Similarly, adverse effects on human values or uses would be restricted to the period during and immediately following the deposition. In the Fast Ferries decision of the Planning Tribunal 1995, the judge noted that, “the expression ‘adverse effects’ is not defined in the RMA and indeed should not be defined. In my opinion, it must be a perceptible effect - not the type of effect that one might normally experience in the day to day activities of a society”. The phrase ‘significant adverse effects’ is used in a similar manner to that in the

NZCPS Policy 3.3.1. When determining whether adverse effects are significant, it is acknowledged that value judgements will have to be made by those involved.

- 8.2.2 Subject to Policy 8.2.1, to not allow the deposition of substances on any foreshore or seabed in those situations where there are practicable alternatives either within or outside the coastal marine area which would have less adverse effects on the environment.

Explanation. Policy 8.2.2 seeks to ensure that substances are disposed of in the coastal marine area only in those situations where there are no practicable alternatives with less adverse effects. In determining what are “practicable alternatives” regard shall be had to costs, technical difficulties, transport problems, lack of a suitable land site, or other factors which preclude onshore disposal. In situations where practicable alternatives exist, marine disposal should only occur where the adverse effects on the environment from onshore disposal exceed the adverse effects of disposal in the coastal marine area. Adverse effects arising from land disposal include, but are not limited to, potential contamination of groundwater, discharge of odour, contaminated runoff, dust, and transportation problems. “Practicable” includes recognition of both technical and financial constraints.

“Substances” include material of any kind, form, or description.

Policy 8.2.2 does not refer to the deposition of material for beach nourishment or for the improvement of amenity values.

- 8.2.3 To not allow the deposition of substances from excavations outside of the coastal marine area on any foreshore or seabed unless the deposited material has similar physical characteristics to the naturally occurring sediments at the deposition site, unless such deposition is for any reclamation or beach nourishment for which consent has been granted.

Explanation. Policy 8.2.3 seeks to reinforce Policy 8.2.2, and limits the disposal, in the coastal marine area, of material derived from land outside of this area. In such cases, disposal will be allowed only if the material has similar physical characteristics to the sediments occurring at the deposition site. Physical characteristics include mineralogy, grain size, density and colour. The Policy is limiting and does not preclude the need to satisfy other policies in the Plan. Policy 8.2.3 does not apply to lawful reclamation or lawful beach nourishment.

- 8.2.4 To not allow the deposition of any hazardous substance or any material containing a hazardous substance on any foreshore or seabed unless:
- the substance or material is treated to remove the contamination prior to deposition; and/or
 - once deposited, the substance or material is capped with a coarser material to prevent dispersal within the coastal marine area, and the hazardous substance is non-soluble or water transportable; and/or

- the substance or material will be diluted prior to deposition; and
- there will be no significant adverse effects on marine ecology or public health as a result of the deposition.

Explanation. “Hazardous substance” is defined in the Interpretations section of the Plan. This definition is taken from the Hazardous Substances and New Organisms Act 1996. Such a substance could only be deposited if one or more of the first three and the fourth criteria listed are met.

Point 1 is self explanatory. Point 2 would be satisfied if the hazardous substance was to be capped or covered with a layer of coarse sediment which would prevent any scour or transport of the hazardous substance beyond the site of deposition. The coarser sediment would need to be of a sufficient size that it would not be moved during extreme wave and current events. The hazardous substance would also need to be of a type that will not be leached from the sediment and released to the water.

Hazardous substances could be diluted with an uncontaminated substance prior to deposition. Point 3 would allow the deposition provided that this dilution could be shown to mitigate any adverse effects on marine ecology.

Point 4 is self explanatory.

- 8.2.5 To not allow the deposition of any substance which contains any organisms which may spread through the coastal marine area and have adverse effects on marine ecology.

Management

- 8.2.6 To provide specifically for beach nourishment in recognition of the positive effects that this activity can have on the environment.

Explanation. Policy 8.2.6 requires that beach nourishment be specifically identified in the rules.

8.3 Rules

Note: The rules in this section do not apply to deposition of substances on foreshore or seabed where that deposition is infilling which is reclaiming foreshore or seabed. Rules for reclamation are in section 5.3 of the Plan.

Guide to the Regional Rules for deposition of substances on foreshore or seabed

Rule 44	Permitted Activity	Wind blown sand
Rule 45	Controlled Activity	Beach nourishment
Rule 46	Discretionary and Restricted Coastal Activity	Deposition of large volumes of substances
Rule 47	Non-complying and Restricted Coastal Activity	Deposition of substances in Areas of Significant Conservation Value
Rule 48	Discretionary Activity	Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed outside Areas of Significant Conservation Value
Rule 49	Non-complying Activity	Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed in Areas of Significant Conservation Value

Permitted Activities

Rule 44 Wind blown sand

The deposition of wind blown sand, shell or other natural material directly onto any foreshore provided that:

- (1) the material to be deposited is substantially clean and has been derived from the beach where it is to be deposited;

is a **Permitted Activity** provided it complies with the conditions below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

Controlled Activities**Rule 45 Beach nourishment**

The deposition of any sand, shingle, shell, or other natural material directly onto any foreshore which:

- (1) is for the purpose of combating beach or shoreline erosion or improving the amenity or value of the foreshore;

is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The material to be deposited is clean.
- (2) The deposition will not cause any significant adverse effects on marine fauna or flora, or human values or uses of the area.
- (3) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The activity shall comply with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the composition of the material to be deposited; and
- (5) the volume of material to be deposited; and
- (6) any measures necessary to prevent the loss of deposited material through wind erosion.

Application for resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the methods to be used; and
- (2) a description of the geological characteristics and size of the material to be deposited, and its source; and
- (3) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (4) an assessment of any actual or potential effects that the deposited material will have on the existing foreshore or adjacent coastal environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (5) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Discretionary and Restricted Coastal Activities

Rule 46 Deposition of large volumes of substances

Any activity involving the depositing of any material on any foreshore or seabed, (other than for beach nourishment as provided for by Rule 45) which is:

- (1) in quantities greater than 50,000 cubic metres in any 12 month period; and
- (2) is proposed for an area of the coastal marine area outside any Area of Significant Conservation Value;

is a **Discretionary and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when deposition commences and when work is completed.

Application for resource consent

An application for a resource consent shall be made in accordance with section 8.4.

Non-complying and Restricted Coastal Activities

Rule 47 Deposition of substances in Areas of Significant Conservation Value

Any activity involving the depositing of any material on any foreshore or seabed (other than for beach nourishment as provided for by Rule 45) which:

- (1) is in quantities greater than 50,000 cubic metres in any 12 month period; and
- (2) is proposed for any Area of Significant Conservation Value;

is a **Non-complying and Restricted Coastal Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when deposition commences and when work is completed.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 8.4.

Discretionary Activities**Rule 48 Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed outside Areas of Significant Conservation Value**

Any activity involving the deposition of sand, shingle, shell or other natural material on any foreshore or seabed:

- (1) that is not specifically provided for in Rules 44-47 or any other rules in this Plan; or
- (2) which cannot meet the requirements of those rules;

is a **Discretionary Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified at the time permission is given and at commencement of the work, and which the deposition is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 8.4.

Non-complying Activities

Rule 49 Other activities involving the deposition of sand, shingle, shell, or other natural material on foreshore or seabed in Areas of Significant Conservation Value

Any activity involving the deposition of sand, shingle, shell or other natural material on any foreshore or seabed:

- that is not specifically provided for in Rules 44 - 48; or
- which cannot meet the requirements of those Rules; and
- is proposed for any Area of Significant Conservation Value;

is a **Non-complying Activity** and shall comply with the terms below.

Terms

- (1) The Hydrographer of the Royal New Zealand Navy shall be notified when consent is granted, when deposition commences and when work is complete.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 8.4.

8.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for an activity resulting in the deposition of substances on any foreshore or seabed shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity, including the methods to be used;
- (2) a map at an appropriate scale showing the location of the activity;
- (3) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity;
- (4) a statement of the source of the material to be deposited;
- (5) a description of the plants and animals found at and immediately adjacent to the deposition site;
- (6) a description of public use of the site;
- (7) a description of the characteristics and composition of the substance to be deposited, including:
 - (a) total amount and average composition;
 - (b) form (for example, solid sludge, liquid, or gaseous);
 - (c) properties : physical (for example, solubility and density), chemical and biochemical (for example, oxygen demand, metals, nutrients), and biological (for example, presence of viruses, bacteria, yeasts, parasites);
 - (d) toxicity of the substance and its components;
 - (e) persistence : physical, chemical, and biological;
 - (f) accumulation and biotransformation in biological materials or sediments;
 - (g) susceptibility to physical, chemical, and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials; and
 - (h) probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.);
- (8) a description of the characteristics of the deposition site, including:
 - (a) methods of packaging and containment, if any;
 - (b) initial dilution achieved by proposed method of release;
 - (c) dispersal characteristics (for example, effects of currents, tides, and wind on horizontal transport and vertical mixing);
 - (d) water characteristics (for example, temperature, pH, salinity, stratification, chemical oxygen demand (COD), biochemical oxygen demand (BOD) - nitrogen present in organic and inorganic

- form, including ammonia, suspended matter, other nutrients, and productivity);
- (e) bottom characteristics (for example, topography, geotechnical, geological, physical and chemical characteristics and biological productivity); and
 - (f) existence and effects of other dumpings which have been made;
- (9) a statement detailing any consultation with any person or organisation that might be affected by the proposal, and, in particular, tangata whenua;
 - (10) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;
 - (11) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
 - (12) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

9. Exotic or Introduced Plants

See this section regarding any activity involving the introduction or planting of any exotic or introduced plant in, on, or under any foreshore or seabed.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

9.1 Objectives

Environmental

- 9.1.1 Introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed is allowed, where it has positive economic or community benefits and can be achieved in a controlled manner without adverse effects on ecological or amenity values.
- 9.1.2 Invasive exotic or introduced plant species do not become established in the region.

Management

- 9.1.3 There are no accidental introductions of exotic or introduced plants.

9.2 Policies

Environmental

- 9.2.1 To allow the deliberate introduction or planting of exotic or introduced plants in, on, or under any foreshore or seabed provided that the consent authority is satisfied that:
- the plant is unlikely to become invasive or spread to other sites or areas not included in the proposal;
 - any adverse effects on taonga raranga or mahinga maataitai will be avoided, or satisfactorily mitigated or remedied;
 - the plant is unlikely to cause any significant changes in sedimentation rates in areas where it is introduced;
 - the plant is unlikely to have any significant adverse effects on species already present in areas where it is introduced; and
 - the plant is unlikely to produce biotoxins.

Explanation. *The applicant will need to demonstrate that it is possible to control the introduction or planting in such a manner as to ensure that the plants remain confined to the area for which consent has been granted, and that there will be no spread of the plant to other sites or areas, accidental or otherwise. These other sites or areas include both the adjacent coastal marine area, and any other area which could be affected by the transport of plants by currents, or by boats working in the area.*

The applicant will also need to demonstrate that the introduction or planting will not result in any loss to the tangata whenua of taonga raranga or mahinga maataitai through the displacement of native species from the exotic or introduced plants.

- 9.2.2 Subject to Policy 9.2.1, to have regard to the economic and community benefits accruing from the introduction or planting of any exotic or introduced plants in the coastal marine area.

Explanation. *Policy 9.2.2 is designed to ensure that the community benefits of introducing a new plant species are considered in resource consent decisions.*

- 9.2.3 To not allow the deliberate introduction or planting of invasive exotic or introduced plants.

Explanation. *For the purposes of Policy 9.2.3 "invasive" plants are those which are likely to become established as weeds or those species likely to largely displace native species.*

Management

- 9.2.4 To encourage any person carrying out an activity in the coastal marine area which may result in the accidental introduction of exotic or introduced plants in, on, or under any foreshore or seabed to take all necessary actions to avoid such accidental introduction.

Explanation. *Accidental introduction of exotic or introduced plants is usually associated with the arrival of ships from foreign ports and other regions of New Zealand. The spores or plants are discharged in ballast water or become detached from the hulls of ships when it is scraped in docking or when being cleaned. The marine disposal of waste from docks or boat maintenance areas is another means by which plants are dispersed in the coastal marine area (Hay 1989). Section 9 of this Plan addresses the issues associated with the discharge of ballast water.*

9.3 Rules

Guide to Regional Rules for exotic or introduced plants

Rule 50	Discretionary Activity	Species which are already established in the area
Rule 51	Non-complying and Restricted Coastal Activity	Species not already established in the area
Rule 52	Prohibited Activity	<i>Spartina</i>

Discretionary Activities

Rule 50 Species which are already established in the area

The deliberate introduction or planting of any exotic or introduced plant species (other than any species of the genus *Spartina*) to a part of the coastal marine area where that plant is already naturally or lawfully established in the area is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 9.4.

Non-complying and Restricted Coastal Activities

Rule 51 Species not already established in the area

The deliberate introduction of any exotic plant species (other than any species of the genus *Spartina*) to a part of the coastal marine area where that plant is not already naturally or lawfully established in the area is a **Non-complying and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 9.4.

Prohibited Activities

Rule 52 *Spartina*

Any activity involving the deliberate introduction or planting of any species of the genus *Spartina* in, on, or, under any foreshore or seabed is a **Prohibited Activity** and no resource consent shall be granted.

9.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for an activity involving the introduction or planting of any exotic or introduced plant in, on, or under any foreshore or seabed shall be made on the prescribed form and shall, where relevant, include:

- (1) a description of the activity, including the methods to be used;
- (2) a map at an appropriate scale showing the location of the activity;
- (3) a description of the area, within a zone of influence of the site, including:
 - substrate characteristics;
 - existing ecological structure, ecological processes and indigenous fauna and flora in the area, including an analysis of their significance and their resilience to the effects of exotic or introduced plant species;
 - water characteristics (effects of currents, tide and wind on potential for plant dispersal in the water column); and
 - where the application is made under Rule 50, a description of the area giving the existing distribution of species to be introduced or planted;
- (4) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity;
- (5) the characteristics of the plant, including the following where applicable:
 - its life cycle, including seasonal variations and favoured environments;
 - reproductive cycle, rate of reproduction and method of dispersal;
 - normal distribution of the plant outside and inside New Zealand;
 - interaction with New Zealand native flora and fauna; and
 - details about the plant's distribution in the Wellington Region coastal marine area;
- (6) details about associated structures;
- (7) a statement detailing any consultation with any person or organisation that might be affected by the proposal;
- (8) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;

- (9) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (10) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

10. Discharges to Land and Water

See this section regarding the discharge of a contaminant or water to:

- coastal water
- water in the lower reaches of rivers within the coastal marine area (see Appendix 1 for boundaries)
- land in the coastal marine area.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

10.1 Objectives

Environmental

- 10.1.1 High quality water in the coastal marine area is protected and not degraded through human activities.
- 10.1.2 Where practicable, the quality of water in the coastal marine area which is currently degraded as a result of human activities is enhanced.
- 10.1.3 The quality of water in the coastal marine area is, as far as practicable, consistent with the values of the tangata whenua.
- 10.1.4 Discharges of water or contaminants into water or land in the coastal marine area are provided for as permitted or controlled activities where the adverse effects are no more than minor.
- 10.1.5 The risk to human health from contaminated water in the coastal marine area is minimised.

Management

- 10.1.6 Fair and reasonable time frames are set so that existing discharges can be upgraded to meet the provisions of this Plan.
- 10.1.7 A robust and flexible regime for managing water quality in the coastal marine area is instituted.

10.2 Policies

Environmental

10.2.1 To manage all water in the following areas for shellfish gathering purposes:

- Those parts of the coastal marine area mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 519 829 and NZMS 260 Sheet R27 568 829;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 574 828 and NZMS 260 Sheet R27 580 828. From mean high water springs seawards for 200 metres of Taputeranga Island and outcrops but not west of a point at NZMS 260 Sheet R27 582 826;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 596 831 and NZMS 260 Sheet R27 600 833, including the rock outcrops at Te Raekaihau;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 615 835 and NZMS 260 Sheet R27 628 843, including the rock outcrops at Tarakena Bay/Palmer Head;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 637 847 and NZMS 260 Sheet R27 639 849;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 638 884 and NZMS 260 Sheet R27 629 898;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R27 676 866 and NZMS 260 Sheet R27 650 825;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres surrounding Somes Island and Mokopuna Island;
- Those parts of the coastal marine area from mean high water springs seawards for 200 metres surrounding Ward Island; and
- All other parts of the coastal marine area except that described in Policy 10.2.2.

***Explanation.** This Policy is largely self-explanatory and sets out the areas where water quality will be managed for shellfish gathering purposes. The areas are mapped in Appendix 7.*

10.2.2 To manage all water in the following areas for contact recreation purposes:

- Those parts of the coastal marine area within Wellington Harbour and the Wellington South Coast landward of a straight line extending between a point 1000 metres offshore of Baring Head (NZMS 260 Sheet R28 657 749) and 1000 metres offshore of Tongue Point (NZMS 260 Sheet Q27 484 828), except that described in Policy 10.2.1;
- Those parts of the coastal marine area within Porirua Harbour, Pauatahanui Inlet and the Porirua and Plimmerton Coast landward of a straight line extending between the north-eastern end of Onehunga Bay at NZMS 260 Sheet R26 657 113 and the north-eastern end of Plimmerton Beach at NZMS 260 Sheet R26 659 131;
- Those parts of the coastal marine area in Lake Onoke from the outlet to the sea at NZMS 260 Sheet R28 892 766 to the coastal marine area boundary at NZMS 260 Sheet R28 890 796;
- Those parts of the coastal marine area in Titahi Bay landward of a line extending from Ruakutane Point at NZMS 260 Sheet R27 632 096 to NZMS 260 Sheet R26 639 102;
- Those parts of the coastal marine area surrounding Paekakariki from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R26 730 210 and NZMS 260 Sheet R26 749 241;
- Those parts of the coastal marine area of Raumati South to Waikanae Beach from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R26 760 270 and NZMS 260 Sheet R26 817 376;
- Those parts of the coastal marine area surrounding Te Horo Beach from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R25 854 435 and NZMS 260 Sheet R25 859 443;
- Those parts of the coastal marine area surrounding Otaki Beach from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet R25 882 492 and NZMS 260 Sheet R25 890 508;
- Those parts of the coastal marine area surrounding Riversdale Beach from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet T27 677 073 and NZMS 260 Sheet T27 685 087; and
- Those parts of the coastal marine area surrounding Castlepoint from mean high water springs seawards for 200 metres between the points NZMS 260 Sheet U26 812 278 and NZMS 260 Sheet U26 812 298.

***Explanation.** This Policy is largely self-explanatory and sets out the areas where water quality will be managed for contact recreation purposes. The areas are mapped in Appendix 7.*

10.2.3 To have particular regard to the criteria in Appendix 6 in order to determine, when considering applications for resource consents, if a discharge is able to comply with Policies 10.2.1 and 10.2.2.

Explanation. Appendix 6 contains the criteria which need to be satisfied in order for a discharge to comply with Policies 10.2.1 and 10.2.2. The consent authority will then use these criteria to assist it in setting maximum limits of contaminants for individual discharges.

It is important to note that the criteria in Appendix 6 relate to the cumulative effects of all discharges to the coastal marine area. When assessing an application to discharge contaminants the consent authority will determine whether the criteria can be met given the effects of existing discharges.

10.2.4 To allow discharges of contaminants or water to land or water in the coastal marine area which do not meet the requirements of Policies 10.2.1, 10.2.2 and 10.2.3 only if, after reasonable mixing:

- the discharge is not likely to cause a decrease in the existing quality of water at that site; or
- the discharge would result in an overall improvement in water quality in the coastal marine area; or
- the discharge was present at the time this plan was notified and the person responsible for the discharge has defined a programme of work for the upgrading of the discharge so that it can meet the requirements of policies 10.2.1, 10.2.2 and 10.2.3; or
- the discharge is of a temporary nature or associated with necessary maintenance works or there are exceptional circumstances and that it is consistent with the purposes of the Act to do so.

Explanation. Policy 10.2.4 is largely self explanatory. The existing water quality is the water quality at the time that the plan becomes operative.

10.2.5 To take into account, when setting conditions for improvement of existing discharges to land and water in the coastal marine area, the time that is required to progressively upgrade existing systems due to any geographic, technical or financial difficulties associated with immediately eliminating or treating existing contaminants.

Explanation. Situations may arise where there are geographic, technical or financial difficulties in immediately eliminating or treating existing contaminants, prior to their discharge into the coastal marine area, or time is required to upgrade progressively existing complex drainage and sewerage systems in urban areas and their associated discharges.

"Technical difficulties" refers to consideration of the current state of technical knowledge about the treatment of contaminants and the availability of suitable

equipment to minimise adverse effects of the contaminated discharge. "Financial difficulties" refers to a person's or a community's ability to fund the work to either avoid discharging to water in the coastal marine area, or to treat the discharge to meet required standards.

Alterations to existing drainage and sewerage systems may require long term financial commitment, design, and construction, depending on priorities set by communities in consultation with tangata whenua.

- 10.2.6 To require all new marinas and/or boat servicing sites to contain facilities to accept sewage and other contaminants from vessels for disposal through municipal (or other approved) treatment processes.

Explanation. "Other contaminants from vessels" includes offal, food wastes and vessel cleaning residues.

- 10.2.7 To encourage existing marinas and/or boat servicing sites to contain facilities to accept sewage and other contaminants from vessels for disposal through municipal (or other approved) treatment processes.

Explanation. Policy 10.2.7 is self explanatory.

- 10.2.8 To ensure that where appropriate coastal permits to discharge contaminants to land or water in the coastal marine area contains conditions for monitoring:

- the effects of the discharge; and
- compliance with any conditions or standards imposed on the consent.

Explanation. Policy 10.2.8 is self explanatory.

- 10.2.9 To have particular regard to the adverse effects of the discharge of water or contaminants to land or water in the coastal marine area on areas:

- containing important ecosystems or species;
- used for fisheries purposes;
- used for fish spawning purposes;
- used for the gathering or cultivating of shellfish for human consumption;
- used for contact recreation purposes;
- used for industrial abstraction;
- which are significant because of their natural values;
- which are significant because of their aesthetic values; and
- with significant cultural value.

Explanation. Policy 10.2.9 provides guidance for decision makers considering applications for coastal permits to discharge contaminants or water into water.

The criteria to be considered are based on the uses specified in the Third Schedule of the Act.

The significance of the adverse effects referred to in the Policy will be dependent on both the extents to which the area is used for the listed purposes and the values of the area.

- 10.2.10 To investigate, advocate for, and support opportunities to reduce the adverse effects of discharges to land or water in the coastal marine area.

Explanation. *The Water Care Code presently being prepared by the Department of Conservation is an example of an opportunity to reduce the adverse effects of discharges to the coastal marine area. Other examples include supporting opportunities to treat stormwater or incorporating relevant provisions in the forthcoming Regional Freshwater Plan.*

- 10.2.11 To have particular regard to the views, values, aspirations and customary knowledge of tangata whenua when assessing applications to discharge contaminants to land or water in the coastal marine area.

Explanation. *Poor water quality affects the relationship of tangata whenua with the coastal marine area. For example, poor water quality can degrade mahinga maataitai and be an affront to spiritual values. Discharge of human sewage is particularly offensive. Tangata whenua therefore need to be consulted as to their interests and values in the coastal marine area and their views and customary knowledge need to be taken into account in assessing resource consents. Policy 10.2.11 applies throughout the coastal marine area, and not just in sites identified as being significant to tangata whenua.*

- 10.2.12 To seek to reduce any adverse effects on water quality in the coastal marine area which are caused by "non-point source discharges" to land or water in the coastal marine area.

Explanation. *Non-point source discharges include runoff from agricultural and urban land. This run off can contain fertiliser, faecal matter, pesticide residues, petroleum by-products from motor vehicles and runoff from roads.*

- 10.2.13 To actively discourage the discharge of ballast water which may be potentially contaminated with exotic organisms within Wellington and Porirua harbours, by encouraging compliance with current national guidelines.

Explanation. *The Ministry of Agriculture and Fisheries (MAF) is the lead agency for ensuring that exotic organisms (such as those found in ballast water) are not accidentally introduced into New Zealand. To address this issue MAF has produced guidelines for the disposal of ballast water which are intended to reduce the likelihood of the introduction of harmful organisms via ballast water.*

- 10.2.14 To only allow a discharge of human sewage direct into water, without passing through land, where:

- it better meets the purpose of the Act than disposal onto land; and
- there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to sections 6, 7, and 8 of the Act; and
- there has been consultation with the community generally.

Explanation. *Whether or not a particular discharge of sewage to the coastal marine area better meets the purpose of the Act than a discharge to land will need to be determined at the time the consent application is considered. This Policy does not affect discharges of sewage from ships as such discharges will be addressed by way of regulations under sections 360(1)(ha) to (he) of the Resource Management Act 1991.*

Management

10.2.15 To review the environmental water quality monitoring programme for water in the coastal marine area on an annual basis to:

- ensure that the information provided is appropriate to meet the needs of the people and communities of the Region; and
- enable the effectiveness of this Plan to be assessed.

The review will consider any guidelines produced on water quality monitoring, and any new parameters being recommended for inclusion in coastal water quality monitoring programmes.

Explanation. *Policy 10.2.15 is largely self explanatory. National guidelines for water quality monitoring are being prepared, but will not be available for some time. The Policy allows for changes to the monitoring programme to incorporate such guidelines if this is deemed appropriate in the Wellington Region.*

10.2.16 To inform the appropriate authorities when it becomes known that there are potential risks to human health and safety from discharges.

Explanation. *"Appropriate authorities" will include the Crown health enterprises, iwi authorities, and territorial authorities. There is presently a protocol between the Wellington Regional Council and Hutt Valley Health which sets out response procedures for accidental sewage discharges.*

Risks to human health and safety will generally arise from short term accidental discharges which can cause significant degradation of coastal water. Degraded water quality may render that water unsafe for swimming, or shellfish or other aquatic life unsuitable for consumption.

10.2.17 To manage the discharge of contaminants or water into waters in the coastal marine area using water classification if this is feasible and desirable.

***Explanation.** Policy 10.2.17 is self explanatory.*

10.3 Rules

Guide to Regional Rules for discharges to land and water

Rule 53	Permitted Activity	Stormwater
Rule 54	Permitted Activity	Operational needs of ships
Rule 55	Permitted Activity	Other discharges from ships
Rule 56	Permitted Activity	Other discharges of water
Rule 57	Discretionary and Restricted Coastal Activity	Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value
Rule 58	Discretionary and Restricted Coastal Activity	Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value
Rule 59	Non-complying and Restricted Coastal Activity	Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value
Rule 60	Non-complying and Restricted Coastal Activity	Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value
Rule 61	Discretionary Activity	Other activities involving discharges to land and water outside Areas of Significant Conservation Value
Rule 62	Non-complying Activity	Other activities involving discharges to land and water in Areas of Significant Conservation Value

Permitted Activities

Rule 53 Stormwater

Any discharge of stormwater onto land or into water in the coastal marine area from any motorway, road, street, railway line, roof, yard, paved surface, breakwater, jetty, wharf, boat shed, or any other structure is a **Permitted Activity**, provided it complies with the conditions specified below.

Conditions

- (1) The discharger shall adopt the best practicable option to ensure that after reasonable mixing the stormwater discharged will not give rise to all or any of the following effects:
 - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - any conspicuous change in the colour or visual clarity;
 - any emission of objectionable odour;
 - the rendering of fresh water unsuitable for consumption by farm animals;
 - any significant effects on aquatic life.
- (2) The stormwater collection systems and pipelines will be constructed and maintained in an efficient operating condition.
- (3) The stormwater shall be discharged at a rate that does not cause significant erosion.

Rule 54 Operational needs of ships

The discharge of engine exhausts, heat, clean bilge water, clean ballast water, water from any onboard sink or dishwasher, shower, laundry, bath or washbasin deck wash or water onto land or into water in the coastal marine area associated with the operational needs of any ship is a **Permitted Activity**, provided it complies with the conditions below.

Conditions

- (1) The contaminant or water discharged (either by itself or when combined with the same, similar, or other contaminants or water) will not give rise, after reasonable mixing, to all or any of the following effects:
 - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - any conspicuous change in the colour or visual clarity;
 - any emission of objectionable odour;
 - any rendering of fresh water unsuitable for consumption by farm animals;
 - any significant effects on aquatic life.

To the extent to which this Rule relates to discharges governed by section 15B of the Resource Management Act 1991 (as inserted by section 6 of the Resource Management Amendment Act 1994), this Rule shall cease to have

effect at a date to be appointed by the Governor-General by Order in Council pursuant to section 1(2) of the Resource Management Amendment Act 1994.

Rule 55 Other discharges from ships

The discharge of offal, food wastes, sewage, bilge water (other than that referred to in Rule 54), onto land or into water in the coastal marine area associated with the operational needs of any ship is a **Permitted Activity**, provided it complies with the conditions below.

Conditions

- (1) There is no discharge within 200 metres of the shore.
- (2) The contaminant or water discharged (either by itself or when combined with the same, similar, or other contaminants or water) will not give rise, after reasonable mixing, to all or any of the following effects:
 - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - any conspicuous change in the colour or visual clarity;
 - any emission of objectionable odour;
 - any rendering of fresh water unsuitable for consumption by farm animals;
 - any significant effects on aquatic life.

To the extent to which this Rule relates to discharges governed by section 15B of the Resource Management Act 1991 (as inserted by section 6 of the Resource Management Amendment Act 1994), this Rule shall cease to have effect at a date to be appointed by the Governor-General by Order in Council pursuant to section 1(2) of the Resource Management Amendment Act 1994.

Rule 56 Other discharges of water

The discharge of

- fresh water (other than stormwater covered by Rule 53); or
- coastal water, which is discharged at a location immediately adjacent from where it was taken;

into water in the coastal marine area is a **Permitted Activity**, provided it complies with the conditions below:

Conditions

- (1) The discharge (either by itself or when combined with the same, similar or other discharges) will not give rise, after reasonable mixing, to all or any of the following effects:
 - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - any conspicuous change in the colour or visual clarity;
 - any emission of objectionable odour;
 - any rendering of fresh water unsuitable for consumption by farm animals;
 - any significant effects on aquatic life;
 - any discernible change in temperature.
- (2) The discharge shall not contain any antibiotics, fungicides, algicides, or synthetic growth stimulants.

Discretionary and Restricted Coastal Activities

Rule 57 Discharges (other than human sewage) with significant adverse effects outside any Area of Significant Conservation Value

Any discharge onto land or into water in the coastal marine area outside any Area of Significant Conservation Value which is not a permitted activity described in Rules 53-56 and which is a discharge of the type referred to in section 107(1) of the Resource Management Act 1991 is a **Discretionary and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4.

Rule 58 Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value

Except within an Area of Significant Conservation Value, any discharge of human sewage to the coastal marine area (except from vessels) which has not passed through soil or wetland is a **Discretionary and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4.

Non-complying and Restricted Coastal Activities

Rule 59 Discharges (other than human sewage) with significant adverse effects within any Area of Significant Conservation Value

Any discharge onto land or into water in the coastal marine area within any Area of Significant Conservation Value which is not a permitted activity described in Rules 53-56 and which is a discharge of the type referred to in section 107(1) of the Resource Management Act 1991 is a **Non-complying and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4.

Rule 60 Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value

Any discharge of human sewage onto land or into water in the coastal marine area within any Area of Significant Conservation Value, other than normal discharge from vessels, which has not passed through soil or wetland is a **Non-complying and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4.

Discretionary Activities

Rule 61 Other activities involving discharges to land and water outside Areas of Significant Conservation Value

Any discharge of a contaminant or water onto land or into water in the coastal marine area, outside any Area of Significant Conservation Value:

- not provided for in Rules 53-60 or 62 or any other rules in this Plan; or
- which cannot meet the requirements of those rules;

is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4.

Non-complying Activities

Rule 62 Other activities involving discharges to land and water in Areas of Significant Conservation Value

Any discharge of a contaminant or water onto land or into water in the coastal marine area in any Area of Significant Conservation Value:

- that is not specifically provided for in Rules 53-61; or
- which cannot meet the requirements of those Rules;

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 10.4

10.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for an activity involving the discharge of a contaminant or water to water in the coastal marine area shall be made on the prescribed form and shall, where relevant, include:

- (1) a description of the activity, including the methods to be used;
- (2) a map at an appropriate scale showing the location of the activity;
- (3) a description of the discharge structure;
- (4) a description of the nature of the discharge including, where appropriate, the following:
 - temperature;
 - BOD₅;
 - suspended solids concentration;
 - pH;
 - the chemical content of the discharge, including in particular any heavy metals or other toxic substances;
 - dissolved solids;
 - faecal coliform, or enterococci concentrations; and
 - any deleterious micro-organisms
- (5) a statement of any possible changes to the nature of the discharge that might result from failure of equipment or a similar event, and the contingency plans that have been developed to deal with such situations;
- (6) a description of maintenance requirements for equipment and structures used in the discharge;
- (7) a description of the dispersal characteristics, including the effect of currents, tides, waves, and winds on horizontal transport and the vertical mixing of the contaminant;
- (8) a statement of any possible alternative methods of discharge, including discharge into any other receiving environment, and the reasons why the applicant has chosen their discharge option;
- (9) a statement detailing any consultation with any person or organisation that might be affected by the proposal;
- (10) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;

- (11) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
- in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (12) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

11. Discharges to Air

See this section regarding the discharge of a contaminant to air.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

11.1 Objectives

Environmental

- 11.1.1 Existing ambient air quality throughout the coastal marine area is maintained at its present level and, if appropriate, enhanced.
- 11.1.2 Activities which result in discharges of contaminants to air are allowed where there are no significant adverse effects on existing ambient or local air quality.
- 11.1.3 Nuisance and other adverse effects of odour are minimised.
- 11.1.4 Nuisance and other adverse effects of atmospheric particulate are minimised.

Management

- 11.1.5 There are no significant adverse effects outside the coastal marine area which are caused by discharges to air that occur within the coastal marine area.
- 11.1.6 Information on air quality is improved through monitoring and research.

11.2 Policies

Environmental

- 11.2.1 To allow discharges to air from activities associated with the normal operation of ports, ships, and related facilities in the coastal marine area including:
 - the maintenance, repair, alteration or reconstruction of any structure or ship;
 - the loading or unloading of ships in port; and
 - wet or dry abrasive blasting;

provided that either:

- the discharge is part of the normal operation of a ship;

or

- the discharge is temporary; and
- there are no nuisance or health effects caused by any discharge of particulate; and
- there are no nuisance odour effects.

Explanation. *Policy 11.2.1 seeks to allow the discharges to air which are associated with the normal operations of a shipping port. The Policy recognises the need to clean and maintain ships, wharves and structures (for example, bridges) in the coastal marine area.*

Discharges of a temporary nature include "one-off" events and annual or other regular maintenance which may be required for structures (for example, roads or wharf structures) or equipment (for example, cranes).

When undertaking maintenance, it may not be possible to erect temporary enclosures which completely shield neighbouring activities and prevent dust nuisance. Although the work is temporary, the operator should be cautious and attempt to avoid nuisance or other adverse effects on people, other activities and the coastal marine area.

Ships which unload fine powders in port can have temporary adverse effects on the amenity values in the coastal marine area. On windy days such powders can be blown by winds and reduce the visibility in the immediate environs. Good management practices can ensure that these adverse effects are minimised.

The Abrasive Blasting Regulations 1958 provide guidance about the operation of wet and dry abrasive blasting, including the characteristics of appropriate enclosures, the use of protective clothing, provisions of amenities for all persons engaged in blasting activities, cleaning of the enclosure and surrounding areas, restrictions on employment, and reporting of defects.

11.2.2 To not allow the discharges of dust, fumes, smoke, spray, odour, or any other contaminants if such a discharge:

- is likely to cause a significant decrease in the existing air quality at the site;
- has an objectionable or offensive odour;
- may result in unacceptable degradation of existing amenity;
- may adversely affect the health or welfare of any persons; or
- may adversely affect any rare, threatened or endangered species.

Explanation. Policy 11.2.2 is intended to provide guidance to consent authorities for assessing resource consents. The Policy recognises that air quality in the coastal marine area is very high and the Policy is based on a "no degradation" philosophy. Accordingly, discharges which are likely to reduce existing ambient air quality will generally not be allowed.

A significant decrease in air quality will be determined by:

- the frequency of the effect;
- the intensity of the effect;
- the duration of the effect; and, where applicable;
- the offensiveness of the effect.

There are two types of discharges that are most likely to invoke this Policy: the discharge of large amounts of particulate; and the discharge of offensive odours.

If particulate is larger than 20 micrometres, generally the dust will not be transported long distances from the source. The main adverse effects of deposited particulate 10-19 micrometres size range are constrained to nuisance value in surrounding areas, such as irritation to the eyes, soiling of material (particularly on flat surfaces) and abrasion of moving parts in mechanical equipment.

Amenity values may be affected by reductions in atmospheric visibility or by giving a soiled appearance to natural features and human structures. Particles smaller than 10 micrometres size range may be inhaled and ultimately cause more serious health hazards.

The other major nuisance discharge to air in the coastal marine area is the discharge of offensive or objectionable odours. Odour is a significant issue in the Wellington Region and is the source of over 90% of air quality complaints to the Wellington Regional Council. This Policy reflects the importance of addressing any adverse effects caused by odorous discharges.

Offensive or objectionable odours can also have serious adverse effects on the amenity values of areas which are adjacent to the coastal marine area. The majority of adverse effects will be in those parts of the coastal marine area where an odorous discharge is emitted in or adjacent to an area with a high resident or visitor population.

Management

- 11.2.3 To have particular regard to the potential for adverse effects outside the coastal marine area which may be caused by a discharge to air within the coastal marine area.

***Explanation.** Many of the adverse effects of discharges to air (particularly nuisance effects) are felt off site. Policy 11.2.3 seeks to provide special recognition for the off site effects of discharges to air.*

- 11.2.4 To undertake research and monitoring that will assist the Council to meet its air quality management responsibilities within the coastal marine area, but to give such research a priority appropriate to the importance of the problem.

***Explanation.** Further research will assist in refining the provisions of this plan as the adverse effects of discharges to air are quantified and methods developed to assist in avoiding remedying or mitigating such adverse effects.*

- 11.2.5 To ensure that the provisions of this section are, as far as practicable, compatible with the "Regional Air Quality Management Plan for the Wellington Region".

***Explanation.** The "Regional Air Quality Management Plan for the Wellington Region" will address the issues relating to air quality in some detail. Many of the issues will not relate to the coastal marine area. However, it is important that the management of air quality over land and within the coastal marine area is integrated as far as practicable. Policy 11.2.5 is intended to ensure that the Regional Air Quality Management Plan for the Wellington region and this section of the Regional Coastal Plan not only meet the requirement of the Act to be "not inconsistent" but are fully integrated. "As far as practicable" includes recognition of both technical and financial constraints.*

11.3 Rules

Guide to the Regional Rules for discharges to air

Rule 63	Permitted Activity	Operational needs of ships
Rule 64	Permitted Activity	Operational needs of the port
Rule 65	Permitted Activity	Construction and maintenance of structures
Rule 66	Permitted Activity	Venting of drainage systems
Rule 67	Permitted Activity	Flaring of hydrocarbons
Rule 68	Discretionary and Restricted Coastal Activity	Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value
Rule 69	Non-complying and Restricted Coastal Activity	Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value
Rule 70	Prohibited Activity	Open burning of cables, cars etc.
Rule 71	Discretionary Activity	Discharges from industrial or trade premises outside Areas of Significant Conservation Value
Rule 72	Non-complying Activity	Discharges to Air in Areas of Significant Conservation Value

Permitted Activities

Rule 63 Operational needs of ships

Except as provided in Rule 68, any discharge of dust, vapour, particulate matter or other contaminants to air in the coastal marine area from ships, or during the transfer of hydrocarbons to or from ships is a **Permitted Activity**, provided that the activity complies with the conditions specified below.

Conditions

- (1) The discharge shall not result in odour, gas, vapour or aerosols which are noxious, dangerous, offensive or objectionable to other users of the coastal marine area or adjoining land users as a result of its frequency, intensity or, duration.
- (2) The activity shall comply with the general standards listed in section 14.1.

This Rule shall cease to have effect when any regulations, made under section 360(1)(hd) of the Resource Management Act 1991 (as amended by the Resource Management Amendment Act 1994) come into force.

Rule 64 Operational needs of the port

Except as provided in Rules 63 or 65, any discharge of dust, vapour, particulate matter or other contaminants to air in the coastal marine area from the handling of cargo, associated service vehicles within the Commercial Port Area or during the transfer of hydrocarbons to or from ships is a **Permitted Activity**, provided that the activity complies with the conditions specified below.

Conditions

- (1) The discharge shall not result in odour, dust, gas, vapour or aerosols which are noxious, dangerous, offensive or objectionable to such an extent that it has or likely to have an adverse effect on the environment.
- (2) The activity shall comply with the general standards listed in section 14.1.

Rule 65 Construction and maintenance of structures

Any activity which results in the discharge of dust, particulate matter, or other contaminants to air in the coastal marine area which:

- is associated with the construction, maintenance, repair, alteration or reconstruction of a structure;

is a **Permitted Activity** provided the activity complies with the conditions specified below.

Conditions

- (1) The discharge shall not result in dust which is offensive or objectionable to such an extent that it has or is likely to have an adverse effect on the environment.
- (2) The activity shall comply with the general standards listed in section 14.1.

Rule 66 Venting of drainage systems

The venting of drainage systems, not including the venting of trade waste or sewage conveyance systems, is a **Permitted Activity** provided that the discharge complies with the conditions specified below.

Conditions

- (1) The discharge shall not result in odour, gas, vapour or aerosols which are noxious, dangerous, offensive or objectionable to other users of the coastal marine area or adjoining land users as a result of its frequency, intensity or duration.

Rule 67 Flaring of hydrocarbons

Any discharge of a contaminant to air in the coastal marine area in association with the flaring of hydrocarbons from hydrocarbon exploration which:

- (1) is 1000 metres or more offshore; and
- (2) is not within any estuary, inlet, harbour or embayment; and
- (3) is for a period not exceeding 1000 hours of (cumulative) flaring per well; and
- (4) is not located under the Wellington International Airport Height Restriction contours shown in Planning Map 7 in Appendix 7; and
- (5) does not involve combustion of any non-hydrocarbon;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

Discretionary and Restricted Coastal Activities**Rule 68 Discharge of human sewage (except from vessels) outside any Area of Significant Conservation Value**

Any discharge of human sewage to air in the coastal marine area outside any Area of Significant Conservation Value, other than normal discharge from vessels, is a **Discretionary and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 11.4.

Non-complying and Restricted Coastal Activities

Rule 69 Discharge of human sewage (except from vessels) within any Area of Significant Conservation Value

Any discharge of human sewage to air in the coastal marine area within any Area of Significant Conservation Value, other than normal discharge from vessels, is a **Non-complying and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 11.4.

Prohibited Activities

Rule 70 Open burning of cables, cars etc.

Any discharge to air in the coastal marine area associated with the open burning of insulated cables, motor vehicles or any other combination of metals or combustibles, whether or not from any industrial or trade premise, is a **Prohibited Activity** and no resource consent shall be granted.

Discretionary Activities

Rule 71 Discharges from industrial or trade premises outside Areas of Significant Conservation Value

Any activity which results in the discharge of dust or other particles or contaminants from an industrial or trade premises located in the coastal marine area, or in association with the flaring of hydrocarbons, to air in the coastal marine area, outside any Area of Significant Conservation value:

- which is not provided for in, or prohibited by, Rules 63-70 or 72; or
- which cannot meet the requirements of those rules;

is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 11.4.

Non-complying Activities

Rule 72 Discharges to Air in Areas of Significant Conservation Value

Any activity which results in a discharge of dust or other particles or contaminants to air located in the coastal marine area, in an Area of Significant Conservation Value:

- that is not specifically provided for in Rules 63-71; or
- which cannot meet the requirements of those Rules;

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 11.4.

11.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for an activity involving a discharge to air in the coastal marine area shall be made on the prescribed forms and shall, where relevant, include:

- (1) a description of the activity, including:
 - particle size and amount and chemical composition of discharge;
 - process (method) of emission;
 - toxicity of discharge including analysis of possible biological, chemical and physical changes to the marine environment by dissolving contaminants;
 - details of structure and enclosure and other methods taken to avoid possible adverse effects;
 - method of disposing of waste material, including any dust particles or waste products from the operation or process; and
 - the expected hours of operation during which contaminants (including dust) may be discharged to the air.
- (2) a map indicating the location of the activity and designating any area which may be used for open dry blasting and similar activities. The map should also indicate any adjoining areas potentially affected by the distribution of discharged contaminants in various wind directions and strength;
- (3) any possible alternative methods of discharge, including discharge into any other receiving environment and the reasons why the applicant has chosen a particular discharge option;
- (4) a statement detailing any consultation with any person or organisation that might be affected by the proposal;
- (5) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents or approval;
- (6) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (7) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

In particular, additional information may be required in the form of dispersion modelling for significant discharges to air from industrial or trade premises in the coastal marine area. Dispersion modelling is most likely to be required where:

- there is one or more other stacks discharging to air in the immediate vicinity;
- the local topography is complex;
- there are significant background levels of contaminants; or
- the surrounding land is particularly sensitive to the contaminants.

12. Taking, Use, Damming or Diversion of Water

See this section regarding any activity which takes, uses, dams, or diverts water.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

12.1 Objectives

Environmental

- 12.1.1 There are no significant adverse effects on the environmental, amenity or cultural values of the coastal marine area caused by the taking, using, damming, or diverting water.
- 12.1.2 People and communities are able to take, use, dam, or divert water in the coastal marine area to provide for their social, economic, and cultural well being where there are no adverse effects on the environment.
- 12.1.3 The mauri of the coastal marine area is protected from any adverse effects associated with taking, use, damming, or diversion of water in the coastal marine area.

Management

- 12.1.4 The administrative requirements for taking and using water in the coastal marine area are commensurate with the potential adverse effects on the environment from such activities.

12.2 Policies

Environmental

- 12.2.1 To allow any activity involving the taking, use, damming, or diverting of water in the coastal marine area provided that the activity has no discernible adverse effects on the natural or physical values of the coastal marine area.

Explanation. Policy 12.2.1 is self explanatory and facilitates activities which take, use, dam, and divert water in the coastal marine area.

12.2.2 To allow the taking of water for the operational needs of ships.

Explanation. Policy 12.2.2 refers to water taken by vessels for engine and machinery cooling, refrigeration, freshwater production, ballast, washing and water taken for use in on board sewage treatment plants.

12.2.3 To have regard to the positive benefits of dams or diversions of the lower reaches of rivers in the coastal marine area for the purpose of flood mitigation.

Explanation. The purpose of Policy 12.2.3 is to provide for the explicit consideration of benefits to the community which accrue from flood mitigation works in the coastal marine area.

12.2.4 To ensure that any adverse effects on native fish spawning or migration, which are caused by any activity involving the taking, use damming or diversion of water in the coastal marine area are avoided or remedied.

Explanation. Adverse effects on native fish spawning or migration will occur when the activity creates a barrier to migration or when spawning areas are either damaged or no longer accessible to the fish species.

12.2.5 To have regard to the effects of any taking, use, damming, or diversion of water in the coastal marine area on the mauri of the coast.

Explanation. Policy 12.2.5 seeks to ensure that any effects on the mauri of a water body are considered when assessing an application to take, use, dam or divert water in the coastal marine area.

Management

12.2.6 In general, to provide for the taking and use of water from the coastal marine area as a permitted or controlled activity.

Explanation. Policy 12.2.6 is self explanatory.

12.3 Rules

Guide to the Regional Rules for taking, use, damming or diversion of water

Rule 73	Permitted Activity	Takes or uses of water
Rule 74	Permitted Activity	Operational needs of vessels
Rule 75	Controlled Activity	Minor takes or uses from significant rivers or lakes in the coastal marine area
Rule 76	Discretionary Activity	Other taking, use, damming, or diversions of water outside any Areas of Significant Conservation Value
Rule 77	Non-complying Activity	Other taking, use, damming, or diversion of water in Areas of Significant Conservation Value

Permitted Activities

Rule 73 Takes or uses of water

Any activity involving the taking or use of water, other than that water found in any river, stream, estuary, lake, or aquifer in the coastal marine area is a **Permitted Activity**, provided that the activity complies with the conditions specified below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.

Rule 74 Operational needs of vessels

Any activity involving the taking or use of water for the operational needs of vessels in the coastal marine area is a **Permitted Activity**, provided that the activity complies with the conditions specified below.

Conditions

- (1) The water is to be taken directly onto the vessel which has an operational need for it.
- (2) The activity shall comply with the general standards listed in section 14.1.

Controlled Activities

Rule 75 Minor takes or uses from significant rivers or lakes in the coastal marine area

Any activity involving the taking or use of water from the Otaki, Waikanae, or Hutt Rivers, or their estuaries, or from any part of Lake Onoke, not exceeding 3000 cubic metres per day is a **Controlled Activity** provided it complies with the standards and terms specified below.

Standards

- (1) The activity shall comply with the general standards listed in section 14.1.

Terms

- (1) The activity shall comply with the general terms listed in section 14.2.

Control

The matters over which the Wellington Regional Council shall exercise its control are:

- (1) the duration of the consent; and
- (2) the information and monitoring requirements; and
- (3) the administrative charges payable; and
- (4) the rate at which the water is taken.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form and shall include the following:

- (1) a description of the activity, including the volume of water required and the rate at which it is to be taken; and
- (2) a description and map showing the location of the activity; and

- (3) a description of the structure to be used for the abstraction; and
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (5) an assessment of any actual or potential effects that the location of the intake may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Discretionary Activities

Rule 76 Other taking, use, damming, or diversions of water outside any Areas of Significant Conservation Value

Any activity involving the taking, use, damming, or diversion of water from the coastal marine area, other than open coastal water, outside any Areas of Significant Conservation Value:

- (1) which is not specifically provided for in Rules 73-75 or 77 or any other rules in this Plan; or
- (2) which cannot meet the requirements of those rules;

is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 12.4.

Non-complying Activities

Rule 77 Other taking, use, damming, or diversion of water in Areas of Significant Conservation Value

Any activity involving the taking, use, damming, or diversion of water from the coastal marine area, other than open coastal water, in any Area of Significant Conservation Value:

- that is not specifically provided for in 73-76; or
- which cannot meet the requirements of those Rules;

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 12.4.

12.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for an activity taking, damming, or diverting water in the coastal marine area shall be made on the prescribed form and shall, where relevant, include:

- (1) a description of the activity, including the volume of water to be taken and used;
- (2) a description and map showing the location of the activity;
- (3) a description of the structure to be used for the abstraction;
- (4) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
- (5) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (6) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

13. Surface Water and Foreshore Activities

See this section regarding activities on beaches or on the surface of the water which do not change or disturb the physical environment.

Note: When considering an application for a resource consent under the rules in this section of the Plan, regard will be had to all relevant provisions in this Plan, not just those contained within this section. Section 4 in particular is likely to contain objectives and policies relevant to an application.

13.1 Objectives

Environmental

- 13.1.1 People and communities are allowed to carry out activities on the foreshore and on the surface of water in the coastal marine area where such activities have no more than minor adverse effects.
- 13.1.2 Surface water and foreshore activities do not have significant adverse effects on other coastal marine users, people and communities outside of the coastal marine area, or fauna or flora in and adjacent to the coastal marine area.
- 13.1.3 Conflict between activities and users of the coastal marine area is minimised.

Management

- 13.1.4 Provision is made for appropriate special activities in the coastal marine area.

13.2 Policies

Environmental

- 13.2.1 To allow activities on the foreshore and the surface of the water in the coastal marine area which:
- do not require exclusive occupation, except where the exclusive occupation is expressly allowed by a coastal permit or by a deemed coastal permit;
 - do not cause significant disturbance to species resting, breeding or feeding;
 - do not change or disturb the physical environment; and
 - do not cause more than minor adverse effects;

and to allow other activities where adverse effects can be satisfactorily avoided, remedied or mitigated.

Explanation. *The "physical environment" includes land, water, air, and all structures. Policy 13.2.1 seeks to ensure that activities which do not have adverse effects are not restricted. Examples include passive recreation pursuits such as beach walking and swimming and picnicking.*

13.2.2 To allow the coastal marine area to be used as a venue for special events, such as beach races and dragon boating, provided that:

- the activity will not change or disturb the physical environment or any coastal or marine species;
- no other person has exclusive rights to occupy the area, unless the consent of that person has been obtained;
- the public have been notified;
- the activity will occur for less than 6 days in any 12 month period; and
- the activity is consistent with adjacent uses outside the coastal marine area.

Explanation. *"Appropriate activities" will generally be those which are public events. Examples include the annual beach races at Castlepoint and Paraparaumu, triathlons and dragon boating.*

13.2.3 In general, to:

- regulate the driving of vehicles on high use beaches adjacent to the main urban areas and in sensitive environments;
- not allow the driving of vehicles on any foreshore where such an activity will have significant adverse effects; and
- to place controls on the use of vehicles in all other areas and circumstances.

Explanation. *Regulation will be achieved by specifying high use beaches and sensitive environments and requiring a resource consent to be obtained before driving in these areas. If driving on the foreshore in these areas will have significant adverse effects, consent is likely to be declined under the second part of the Policy. "Controls" will be achieved through conditions on a permitted activity rule. The Policy is to apply generally, but not to preclude different arrangements in special circumstances.*

13.2.4 To ensure that any adverse effects from surface water and foreshore activities on fauna and flora:

- are avoided in any Area of Significant Conservation Value or any Area of Important Conservation Value which is significant or important because of fauna or flora; and

- are avoided, remedied or mitigated in other areas;

and to avoid, remedy or mitigate adverse effects on people within or adjacent to the coastal marine area.

***Explanation.** Disturbance to fauna can be caused by noise, physical disturbance, or simply the presence of people in close proximity to fauna.*

Management

13.2.5 Where appropriate, to use powers and functions under the Harbours Act 1950 to:

- control spatial conflicts between surface water activities; and
- deal with other navigation and safety issues arising from surface water activities.

***Explanation.** Most conflict between surface water activities will occur in sheltered waters or close to the shoreline. Wellington Regional Council has the ability to make bylaws under the Harbours Act 1950 to control surface water activities in these areas.*

13.3 Rules

Guide to the Regional Rules for surface water and foreshore Activities

Rule 78	Permitted Activity	General surface water and foreshore activities
Rule 79	Permitted Activity	Special events - horse races
Rule 80	Permitted Activity	Temporary military training activities
Rule 81	Permitted Activity	Motor vehicles, motorcycles, trailers and land yachts on beaches
Rule 82	Prohibited Activity	Motor vehicles, motorcycles, trailers and land yachts on Titahi Bay beach
Rule 83	Discretionary (Restricted) Activity	Motor vehicles, motorcycles, trailers and land yachts on beaches
Rule 84	Discretionary and Restricted Coastal Activity	Exclusive occupation of the coastal marine area
Rule 85	Discretionary Activity	Other activities on foreshore or seabed outside any Area of Significant Conservation Value
Rule 86	Non-complying Activity	Other activities on foreshore or seabed in Areas of Significant Conservation Value
Rule 87	Discretionary Activity	Discharges from industrial or trade premises outside Areas of Significant Conservation Value
Rule 72	Non-complying Activity	Discharges to Air in Areas of Significant Conservation Value

Permitted Activities

Rule 78 General surface water and foreshore activities

Any activity on any foreshore or on the surface of the water in the coastal marine area which:

- does not require exclusive occupation except where the exclusive occupation is expressly allowed by a coastal permit or by a deemed coastal permit; and
- is not specifically provided for in any other rule in this plan;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

- (1) The activity shall comply with the general standards listed in section 14.1.
- (2) Any direct disturbance of the foreshore or seabed is removed by two high tides.

Rule 79 Special events - horse races

The holding of horse races on Castlepoint Beach and Paraparaumu Beach for up to 2 days in any 12 month period is a **Permitted Activity**, provided that the activity complies with the conditions specified below.

Conditions

- (1) The public are notified about the proposed activity and any associated restrictions on use of the area at least 7 days prior to the activity commencing.
- (2) There is consultation with the territorial authority which administers the adjacent land area.
- (3) Provisions are made to protect public safety.
- (4) Sufficient toilet facilities are provided.
- (5) Any rubbish or other material resulting from the activity is removed from the foreshore within 48 hours of the completion of the activity.

Rule 80 Temporary military training activities

Temporary military training activities on the foreshore or the surface of the water which:

- require exclusive occupation; and
- do not disturb foreshore or seabed unless such disturbance is expressly allowed by a rule in this Plan or by a resource consent; and
- are not a restricted coastal activity as defined in Rule 84;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

- (1) The public are notified about the proposed activity and any associated restrictions on use of the area at least 7 days prior to the activity commencing.
- (2) The duration of the activity does not exceed 30 days.
- (3) The activity complies with the general standards listed in section 14.1.

Rule 81 Motor vehicles, motorcycles, trailers and land yachts on beaches

The driving or riding or parking of any motor vehicle, motorcycle, trailer, or land yacht on any foreshore for any purpose, provided that:

- (1) the activity is not a prohibited activity in accordance with Rule 82, or a discretionary activity in accordance with Rule 83;

is a **Permitted Activity** provided it complies with the conditions specified below.

Conditions

- (1) The vehicle, motorcycle, trailer, or land yacht is used in such a manner that does not:
 - constitute a safety hazard to other users of the foreshore; and
 - involve acceleration or turning in a tight radius at such a speed that results in unnecessary spraying of sand or other material from the wheels of the vehicle, motorcycle, trailer, or land yacht.
- (2) The activity shall comply with the general standards listed in section 14.1.

Prohibited Activities

Rule 82 Motor vehicles, motorcycles, trailers and land yachts on Titahi Bay beach

Within the following area:

- the foreshore in the centre of Titahi Bay between 122 metres south of Bay Drive to 279 metres south of Toms Road; and
- any part of the remaining foreshore at Titahi Bay where any fossil forest is exposed;

the driving or riding or parking of any motor vehicle, motorcycle, trailer, or land yacht for any purpose is a **Prohibited Activity** and no resource consent shall be granted; provided that this Rule shall not apply to:

- (1) any motor vehicle or tractor used in association with surf lifesaving or rescue activities; or
- (2) any motor vehicle used for litter removal or dog control; or
- (3) any motor vehicle used for beach grooming or clearance of piped stormwater outfalls, maintenance of lawful structures, or other activities permitted by this Plan; or
- (4) any motor vehicle or motorcycle driven by an enforcement officer when undertaking their duties.

Discretionary (Restricted) Activities

Rule 83 Motor vehicles, motorcycles, trailers and land yachts on beaches

Within the following areas:

- the foreshore between Paekakariki at NZMS 260 R26 730 211 and the southern bank of the Waikanae River;
- the foreshore between Pukerua Bay at NZMS 260 R26 695 180 and the southern part of the Whitireia Reserve at NZMS 260 R26 642 105, including all of Porirua Harbour and Pauatahanui Inlet;
- the foreshore from Lyall Bay at NZMS 260 R27 599 844 to Point Arthur at NZMS 260 R27 677 872;
- the foreshore at Riversdale extending southward from the Riversdale Beach Surf Club at NZMS 260 T27 683 085 to a point at NZMS 260 T27 678 074;
- the foreshore at Castlepoint between NZMS 260 U26 813 294 and NZMS 260 U26 818 288; and
- between 9.30pm on any day and 5.00am on the next day, the foreshore at Titahi Bay that is not included in Rule 82;

the driving or riding or parking of any motor vehicle, motorcycle, trailer, or land yacht for any purpose is a **Discretionary Activity** (restricted), provided that this Rule shall not apply to:

- (1) any motor vehicle moving to or from the edge of the water for the purpose of launching a vessel, or removing a vessel from the water, and that vehicle moves across the foreshore to or from the nearest formed access by the shortest practicable route;

- (2) any motor vehicle or tractor used in association with surf lifesaving or rescue activities;
- (3) any motor vehicle used for litter removal or dog control;
- (4) any motor vehicle used for beach grooming or re-contouring, clearance of piped stormwater outfalls, maintenance of lawful structures, or other activities permitted by this Plan;
- (5) any motor vehicle or motorcycle driven by an enforcement officer when undertaking their duties;
- (6) any vehicles directly associated with the horse races allowed by Rule 79;
or
- (7) for Titahi Bay, any motor vehicle, trailer or tractor owned, leased or operated by a registered boatshed owner in the Porirua City Council's Titahi Bay Boatshed Owners Register.

Discretion

The matters over which the Wellington Regional Council shall exercise its discretion are:

- (1) the duration of the consent; and
- (2) the timing, duration, speed and route of travel of the motor vehicle, motorcycle, trailer, or land yacht on the foreshore; and
- (3) the information and monitoring requirements; and
- (4) the administrative charges payable.

Application for a resource consent

An application for a resource consent shall be made on the prescribed form, and shall include the following:

- (1) a description of the activity, including the location, type of vehicle, and reason why the activity needs to occur; and
- (2) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents; and
- (3) an assessment of any actual or potential effects that the motor vehicle, motorcycle, trailer, or land yacht will have on other users or on the foreshore and on fauna and flora, and the ways in which any adverse effects may be mitigated. Such an assessment shall be: and
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and

- prepared in accordance with the Fourth Schedule of the Act;
- (4) any other information that is necessary to understand the application.

Notification

An application for a resource consent:

- shall not be publicly notified; and
- shall be considered without the written approval of affected persons;

except where the consent authority considers that there are special circumstances which justify notification or the obtaining of written approval from affected persons.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

Discretionary and Restricted Coastal Activities

Rule 84 Exclusive occupation of the coastal marine area

Any activity involving occupation of the coastal marine area which:

- (1) would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or
- (2) would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- (3) would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas;

is a **Discretionary and Restricted Coastal Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 13.4.

Discretionary Activities

Rule 85 Other activities on foreshore or seabed outside any Area of Significant Conservation Value

Any activity on any foreshore or on the surface of the water in the coastal marine area outside any Area of Significant Conservation value that:

- (1) does not change the physical environment; and
- (2) is not specifically provided for in, or prohibited by, Rules 78-84 or 86, or cannot meet the requirements of those Rules;

is a **Discretionary Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 13.4.

Non-complying Activities

Rule 86 Other activities on foreshore or seabed in Areas of Significant Conservation Value

Any activity on any foreshore or on the surface of the water in the coastal marine area that:

- (1) does not change the physical environment; and
- (2) is not specifically provided for in Rules 78-85, or cannot meet the requirements of those Rules; and
- (3) is proposed for any Area of Significant Conservation Value

is a **Non-complying Activity**.

Application for a resource consent

An application for a resource consent shall be made in accordance with section 13.4.

13.4 Application for a resource consent

Unless otherwise stated in a rule, an application for a resource consent for a surface water or foreshore activity shall be made on the prescribed form, and shall, where relevant, include:

- (1) a description of the activity;
- (2) a map showing the location of the activity;
- (3) a description of any available alternative to what the applicant seeks to do, and the applicant's reasons for making the proposed choice;
- (4) where appropriate, a description of adjacent uses outside of the coastal marine area;
- (5) a statement of all other resource consents or approvals that the applicant may require from any consent or approval authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents;
- (6) an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated. Such an assessment shall be:
 - in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment; and
 - prepared in accordance with the Fourth Schedule of the Act; and
- (7) any other information that is necessary to understand the application.

Additional information

Section 92 of the Act may be invoked and additional information sought if the application and accompanying information do not adequately address the requirements listed above.

14. General Standards and Terms

The provisions of this section are not rules in their own right. They only apply where a rule in the Plan requires that the activity comply with the general standards and/or terms in this section.

14.1 General standards

14.1.1 Public safety

Adequate provision shall be made to ensure that the activity does not compromise public safety.

14.1.2 Lighting and glare

- (1) All exterior lighting associated with the activity shall be managed so as to avoid the spill of light or glare that might be:
 - detrimental to other users; or
 - detrimental to wildlife; or
 - a hazard to traffic safety on streets outside the coastal marine area; or
 - a hazard to navigation in the coastal marine area;

unless such lighting is necessary for reasons of public safety or operational safety.

14.1.3 [Noise from activities located outside the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E]

The following noise standards shall apply to activities permitted or controlled by a rule in this Plan, which are located within the coastal marine area and specifically reference this section within the rule (excluding noise generated within the Commercial Port Area):

- (1) the activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area;
- (2) between the hours of 7.00 am and 11.00 pm, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 55dB(A);
- (3) between the hours of 11.00 pm and 7.00 am, the noise level (L10) measured at any point on the nearest Residential Area boundary shall not exceed 45dB(A);

- (4) single events of noise shall not exceed an Lmax sound level of 75dB(A);
- (5) noise shall be measured in accordance with [NZ 6802:1999]. Levels shall be assessed in accordance with [NZ 6802:1999]. Any construction activities will meet standards specified in Table 1 of NZS 6803P:198. Helicopter landing areas shall meet the standards specified for residential areas in Table 1 of NZS 6807:1994;
- (6) conditions (1) to (4) shall not apply to the following:
 - (a) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
- (7) conditions (2) to (4) shall not apply to temporary military training activities undertaken for defence purposes. Noise emission as a result of temporary military training measured on a line 20 metres from and parallel to the facade of any dwelling used for accommodation or the legal boundary where this is closer to the dwelling or building shall meet the following:
 - (a) for all activities excluding the use of explosives:

Time (Any Day)	Limits (dBA)	
	L10	Lmax
0000 – 0630	45	75
0630 – 0730	60	75
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 2400	45	75

- (b) for activities involving the use of explosives: 122 dB(C) during daylight hours.

14.1.4 [Noise from activities located within the Commercial Port Areas and the part of Lambton Harbour Development Area shown on Planning Map 4E

(A) Commercial Port Areas shown in Planning Maps 4A and 4B and part of Lambton Harbour Development Area shown in Planning Map 4E

The following noise standards shall only apply to noise from port related activities in the Commercial Port Area shown on Planning Maps 4A and 4B and the Lambton Harbour Development Area shown on Planning Map 4E that

- are controlled by a rule in this Plan, and

- are located within the coastal marine area, and
 - specifically reference section 14.1 within the rule:
- (1) The activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area.
 - (2) Noise shall be measured in accordance with the requirements of NZS 6801:1999 - *Measurement of Environmental Sound* and NZS 6809: 1999 - *Port Noise Management and Land Use Planning*.
 - (3) Noise from port related activities in a Commercial Port Area and the part of the Lambton Harbour Development Area shown on Planning Map 4E shall not exceed the following at or beyond the Port Noise Control Line as shown on planning maps 4A and 4B.

Time (any day)	Limits (dBA)		
	L _{dn}	L _{max}	L _{eq}
Any 5 consecutive 24 hour periods	65	-	-
Any 24 hour period	68	-	-
10pm - 7am	-	85	60 (9 hr) 65 (15 min)

- 4) CentrePort shall undertake a noise monitoring programme to ensure that noise from port related activities comply with condition 14.1.4(A)(3) at the Port Noise Control Line. This monitoring will be undertaken in accordance with the Port Noise Management Plan and the information shall be reported to Greater Wellington Regional Council.
- (5) Conditions (1), (3) and (4) shall not apply to the following:
 - (a) noise generated by navigational aids, safety signals, warning devices or emergency pressure relief valves;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
 - (c) noise generated by construction activities which shall meet the standards specified in Table 1 of NZS 6803:1999;
 - (d) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994.

(B) Commercial Port Area Shown in Planning Map 4C

The following noise standards shall only apply to activities in the Commercial Port Area shown in Planning Map 4C (Seaview Wharf) that:

- are controlled by a rule in this Plan, and
 - are located within the coastal marine area, and
 - specifically reference section 14.1 within the rule:
- (1) The activity will not cause excessive noise (defined in section 326 of the Act) outside the coastal marine area at the nearest Residential Area boundary;
 - (2) The noise level measured at any point on the nearest Residential Area boundary shall not exceed

Time (Any day)	Limits	
	L10	Lmax
7.00am and 11.00pm	60 dBA	-
11.00pm and 7.00am	45 dBA	75 dBA

- (3) Noise shall be measured in accordance with NZS 6801:1999. Corrected levels shall be determined in accordance with NZS 6802:1999;
- (4) Conditions (1) and (2) shall not apply to the following:
 - (a) noise generated by navigational aids, safety signals, warning devices, or emergency pressure relief valves;
 - (b) noise generated by emergency work arising from the need to protect life or limb or prevent loss or serious damage to property or minimise or prevent environmental damage;
 - (c) noise generated by construction activities which shall meet the standards specified in Table 1 of NZS 6803:1999;
 - (d) noise generated by helicopter landing areas which shall meet the standards specified for Commercial areas in Table 1 of NZS 6807:1994.]

[14.1.4A External sound insulation level within Commercial Port Areas or Lambton Harbour Development Area

The following external sound insulation level applies to noise sensitive activities in the Commercial Port Areas shown in Planning Maps 4A and 4B and in the Lambton Harbour Development Area shown in Planning Map 4A

and 4E that are controlled by a rule in this Plan and specifically reference section 14.1 within the Rule.

- (1) any habitable room in a building used by a noise sensitive activity shall be protected from noise arising from outside the building by ensuring the external sound insulation level achieves the following minimum performance standards:

Area	Planning Map	Performance standard
Commercial Port Area	4A and 4B	$D_{nT,w} + C_{tr} > 35$ dB
Lambton Harbour Development Area	4E	$D_{nT,w} + C_{tr} > 35$ dB
Lambton Harbour Development Area	4A excluding area shown on 4E	$D_{nT,w} + C_{tr} > 30$ dB

Compliance with this performance standard shall be achieved by ensuring habitable rooms are designed and constructed in a manner that accords with an acoustic design certificate signed by a suitably qualified acoustic engineer stating the design as proposed will achieve compliance with the above performance standard.

- (2) Where bedrooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. For the purposes of this requirement, a bedroom is any room intended to be used for sleeping. The supplementary source of air is to achieve a minimum of 7.5 litres per second per person. The required airflow level is based on the minimum standard for habitable spaces set out in NZS 4303:1990 – *Ventilation for Acceptable Indoor Air Quality*.

14.1.4B Port Noise Management Plan

The port company shall produce and at all times operate in accordance with a Port Noise Management Plan, which shall include but is not limited to the matters set out in Appendix 6A. The Port Noise Management Plan shall be developed to the satisfaction of Wellington City Council and Greater Wellington Regional Council.]

14.1.5 Storage of hazardous materials

No hazardous substance shall be stored over water in the coastal marine area (except as cargo on ships or as part of the operational needs of ships) unless the storage container:

- (1) is constructed or lined with a material which is resistant to corrosion or embrittlement; and
- (2) is fitted with a vent or other pressure release mechanism which is adequate to prevent increases or decreases of pressure; and

- (3) is adequately protected such that all practicable steps will be taken to minimise the risk of the hazardous substance entering water or land in the coastal marine area in the event of the rupture or overflow of the container.

Condition (2) shall not apply to the storage of paint in containers of 10 litres or less, provided that the total quantity of paint stored in a single area does not exceed 100 litres.

Conditions (2) and (3) shall not apply to pipelines for the delivery of petroleum products or to pipelines for the loading or unloading of petroleum products associated with the fuelling of vessels.

Explanation. 'Storage' does not include the conveyance of substances through pipelines.

14.1.6 Litter and Debris

All litter, debris and other such waste or extraneous material derived from the activity shall be removed from the coastal marine area, and disposed of in an appropriate manner.

14.2 General terms

14.2.1 Resource Management Act

The consent will be subject to all relevant provisions of the Act, its amendments and any regulations made thereunder. It is the obligation of the consent holder to comply with all the statutory requirements relating to the exercise of the consent.

14.2.2 Charges payable by holders of resource consents

A charge, set in accordance with section 36(2) of the Act, shall be paid to the Wellington Regional Council for carrying out its functions in relation to the administration, monitoring and supervision of the activity, and for carrying out its functions under section 35 (duty to gather information, monitor and keep records) of the Act.

14.2.3 Inspections and measurements

Wellington Regional Council or its servants, or its agents, is permitted access at all reasonable times for the purpose of carrying out inspections or measurements. Where practicable, prior notice of any access shall be given to the landowner or resident of the property.

In section 14:

The heading for subsection 14.1.3 was substituted for the original heading by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

In subsection 14.1.3, the reference in square brackets was substituted for the original reference by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

Subsection 14.1.4 was substituted for the original subsection by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

Subsections 14.1.4A and 14.1.4B were inserted by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

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The next page to follow is Page 179. Methods (Other than Rules)

15. Methods (Other than Rules)

15.1 Structures

- 15.1.1 Wellington Regional Council will investigate illegal structures fixed in, on, under, or over foreshore and seabed and, where possible, identify the person(s) responsible for the structures. Where the person has been identified, they will be required to apply for a coastal permit to retain the structure and to ensure it complies with the provisions of the Plan. Where the person responsible cannot be identified, the Council will consider having the structure removed.
- 15.1.2 Wellington Regional Council will ensure that existing consents for structures in the coastal marine area are legal coastal permits.
- 15.1.3 Where redundant structures have been identified or reported to the Wellington Regional Council the possibility of removing the structure will be investigated and, if feasible and without significant adverse effects, the Council will promote the removal of the structure.
- 15.1.4 Wellington Regional Council will establish and maintain an inventory of all structures in the coastal marine area of the Wellington Region. Existing records will be compiled and checked against field surveys.

15.2 Exotic or introduced plants

- 15.2.1 The Wellington Regional Council will assess the need and develop a Pest Management Strategy for the eradication of individual species if warranted under the provisions of the Biosecurity Act 1993 and the proposed Hazardous Substances and New Organisms legislation.
- 15.2.2 The Wellington Regional Council will distribute available promotional material outlining ways in which resource users can reduce the chance of the accidental introduction of exotic or introduced plants.
- 15.2.3 Noxious plant officers from the Wellington Regional Council will monitor the existing area of *Spartina* in Lake Onoke. Should the area of *Spartina* increase significantly then appropriate action will be taken.

15.3 Discharges to land or water

- 15.3.1 Within five years of this Plan becoming operative, the Wellington Regional Council will complete a comprehensive investigation of the feasibility and desirability of managing discharges into water in the coastal marine area in accordance with a water classification system.

- 15.3.2 The Wellington Regional Council will implement classification standards if water classification is found to be a feasible and desirable method for managing discharges onto land or into water in the coastal marine area.
- 15.3.3 Within one year of the completion of the water classification project, the Wellington Regional Council will review, and if necessary change, the regional rules relating to stormwater discharges to the coastal marine area to ensure that discharges are consistent with any classification (or other) standards set in this Plan.
- 15.3.4 Wellington Regional Council will liaise with territorial authorities to ensure that appropriate programmes are developed to improve the quality of stormwater discharge to the coastal marine area. These programmes could include public education campaigns (for example, the Grate Awareness Campaign) and measures to minimise or eliminate the overflow of sewage into stormwater drains.
- 15.3.5 The Wellington Regional Council will undertake appropriate monitoring of ambient water quality and provide that information to the public through regular bulletins to the news media.
- 15.3.6 The Wellington Regional Council will, through its monitoring programmes, analyse the effectiveness of current regional rules for the discharge of silt from subdivision developments, and make appropriate changes as necessary.
- 15.3.7 The Wellington Regional Council's Harbourmaster will distribute available promotional material outlining ways in which ship operators can reduce the effects of any discharge of contaminants, including ballast water.
- 15.3.8 Provision will be made through the Wellington Regional Council's Annual Plan to prepare a report defining the adverse effects on water quality arising from the discharge of contaminants from vessels at sea and from boat maintenance sites. The report and educational material on waste disposal from vessels will be circulated to user and interest groups.
- 15.3.9 The Wellington Regional Council will, where appropriate, encourage and support the efforts of any community or voluntary or school group which undertakes any work to remove litter or other contaminants from the coastal marine area.
- 15.3.10 The Wellington Regional Council will notify appropriate territorial authorities, public health agencies, and iwi authorities if any adverse indicator of water contamination is found, and when samples from its ambient water quality monitoring programme are found to contain faecal coliform counts equal to or exceeding 1000 faecal coliforms per 100 millilitres under conditions not influenced by rainfall. This level is indicative of a problem, such as a pump breakdown, and the notification will trigger further investigation.

15.3.11 Wellington Regional Council will hold annual meetings with representatives of iwi, territorial authorities, and the appropriate public health agencies to discuss the findings of the environmental water quality monitoring programme for the coastal marine area.

15.3.12 The Wellington Regional Council will facilitate public complaints of unauthorised discharges through promotion of a "pollution hotline".

15.4 Discharges to air

15.4.1 The Wellington Regional Council will prepare a Regional Air Quality Management Plan for the Wellington Region to deal with air quality outside of the coastal marine area.

15.4.2 The Wellington Regional Council will co-ordinate the monitoring requirements of the Regional Air Quality Management Plan for the Wellington Region and this section of the Regional Coastal Plan so that they are fully integrated and complementary.

15.4.3 The Wellington Regional Council will review this section of the Regional Coastal Plan within one year of the Regional Air Quality Management Plan for the Wellington Region being operative so that the two plans are compatible and totally integrated.

15.4.4 Assist other agencies, where appropriate, with the preparation and dissemination of guidelines, codes of practice, information programmes and similar initiatives where these will contribute to achieving the objectives of this Plan.

15.5 Surface water and foreshore activities

15.5.1 Provision will be made in Wellington Regional Council's Annual Plan to prepare a Regional Coastal Users Guide to provide guidance about:

- navigation and safety requirements throughout the Region;
- emergency procedures and facilities;
- appropriate locations for recreation and other surface water activities for various weather conditions.

15.5.2 Wellington Regional Council will, where appropriate, facilitate conflict resolution between various activities in the coastal marine area through meetings of the parties involved.

15.5.3 Wellington Regional Council will work with the Department of Conservation to investigate the impact of surface water and foreshore activities on wildlife,

and to determine the most appropriate method to deal with any adverse effects. In addition to rules under this Plan, methods might include use of the Wildlife Act 1953, the provision of signs and other such methods.

- 15.5.4 Where appropriate, the Wellington Regional Council will undertake public awareness campaigns on the adverse effects of various foreshore and surface water activities.
- 15.5.5 To encourage and promote designated vehicle routes, parking areas and pedestrian and cyclists' facilities to facilitate surface water and foreshore activities.

16. Principal Reasons for Objectives, Policies and Methods

16.1 General objectives and policies

Environmental

Objectives and policies have been adopted to provide protection to the natural and physical resources of the coastal marine area, while allowing appropriate use and development of these resources.

The objectives and policies acknowledge the need to protect important characteristics and values of the coastal marine area. They also recognise that the coastal marine area is an important location for many activities, some of which are dependent on this particular location. These activities are important for the economic well-being of the Wellington Region, and to enable people to fulfil their social desires to use the coastal marine area.

The coastal marine area is a very significant expanse of public space. It contains a number of important and sensitive ecosystems. The people of the Wellington Region have indicated a strong desire to use the coastal marine area for recreation activities, and to preserve and protect natural character, access, amenity values, and important ecosystems. In particular, the retention of public access along and within the coastal marine area is given a high priority by the community. These desires are reflected in the objectives and policies which also recognise that there is a desire to use and develop resources in the coastal marine area. The policies provide guidance for decision makers when assessing new proposals for use and development.

When considering new activities in the coastal marine area it is also important to recognise potential conflicts with existing legitimate uses. The objectives and policies provide for this.

The objective and policies on the Lambton Harbour Development Area have been adopted in recognition of the importance of this area as a part of Wellington City. This area has its own development plan, and has received special status in the past with its own planning scheme. The area is also unusual in that much of the seabed is in private ownership (another example of seabed in private ownership occurs at Greta Point).

The objectives and policies are consistent with the requirements of the Act and the New Zealand Coastal Policy Statement 1994.

Tangata whenua

The objectives and policies have been adopted to meet known concerns and aspirations of tangata whenua in the Region.

The protection of special sites has been raised by iwi as an issue of concern in the Wellington Region. Although there are few areas in Maori ownership adjacent to the coast, there are high concentrations of pre-European sites of significance to tangata whenua. These sites range from long-term occupied pa sites to seasonal camps. It is also important to recognise that it is not just special sites which require protection, but the characteristics which make these sites important to tangata whenua. These values can include spiritual values (such as those associated with a waahi tapu), physical or economic values (such as the sustenance derived from maataitai resources), and social or cultural values (such as the ability of an iwi or hapu to provide manaakitanga - hospitality - to guests).

The effects of use and development on tangata whenua values can be felt outside areas identified as being special sites. For example, the degradation of water quality by human sewage is an offensive action regardless of whether the receiving environment is a site of particular cultural significance.

The policies recognise the sensitivity of information regarding sites of significance to tangata whenua. They also balance the need for the Council and users of the Plan to have some certainty regarding likely locations and values of sites of cultural significance, and the need for iwi to retain control of this information.

Objectives and policies have been adopted to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Embodied in those principles is the need for:

- early consultation;
- active protection; and
- the right for iwi development.

The objectives and policies relating specifically to issues of concern to tangata whenua are consistent with the provisions of sections 6, 7 and 8 of the Act and the requirements of the New Zealand Coastal Policy Statement 1994. Section 6 of the Act requires that the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga be recognised and provided for as a matter of national importance. Section 7 requires that particular regard be had to kaitiakitanga, and section 8 requires all persons exercising functions and powers under the Act to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Taking the principles of the Treaty of Waitangi into account requires recognition that tangata whenua are not simply another group with an interest in the coast. By

right of their long history of occupation and use of the coast, and their status as partners to the Treaty, tangata whenua interests require explicit consideration in the Regional Coastal Plan.

Management

Adequate information is essential for the effective management of the coastal marine area. Little is known about many parts of the coastal marine area in the Wellington Region, and there is limited information about the effects of many activities. A policy has been adopted to ensure that information supplied with applications for resource consents is sufficient to enable an adequate assessment of effects and that this assessment is taken into account in the decision making process. The Policy recognises that appropriate research will help to overcome inadequacies in our knowledge about the resources of the coastal marine area and about their susceptibility to adverse effects from use and development.

The Wellington Regional Council recognises that it has a key role to play in the management of natural and physical resources in the coastal marine area. In order to provide for effective integrated coastal management the Council must communicate in a constructive and practical manner, and liaise with other coastal management agencies.

Specific provisions have been adopted in recognition of the special circumstances of the Lambton Harbour Development Area, and the social and economic importance of the Port of Wellington to the Region.

The Council also recognises that the best way to ensure that resources are managed in a sustainable manner is to have well informed resource users with a strong guardianship ethic. It must also ensure that all individuals and groups with an interest must have confidence in the way in which decisions are made, and a degree of "ownership" of the decision. In order to build this confidence and ownership the Council must attempt to involve all stakeholders in an open process which treats all parties fairly, while properly representing environmental values.

The principal reasons for including the relating to conditions on resource consents is to offer guidance to applicants and consent authorities. These policies will ensure that in appropriate circumstances, conditions are placed on resource consents in order to avoid remedy or mitigate adverse effects. The policies outline what needs to be considered when determining the nature and extent of any conditions and the circumstances in which conditions may be applied. The policies also aim to encourage applicants to identify how adverse effects can be avoided, remedied or mitigated in consent applications and through consultation. It is important to note that the provisions also recognise that in some circumstances conditions will not adequately avoid, remedy or mitigate adverse effects and therefore consent applications will be declined.

16.2 Reclamation and draining of foreshore and seabed

16.2.1 Objectives and policies

Environmental

Reclamation of foreshore or seabed is an activity which has occurred in the past in the Wellington Region, and it is expected that there will be demand for further reclamation in the future. While draining is not common, it is an activity for which there may be demand in the future, and which has many of the same effects as reclamation.

By definition, both reclamation and draining of foreshore or seabed requires the removal of the reclaimed or drained land from the coastal marine area, which is itself a finite resource. This loss of coastal marine area means that the minimum effect will be loss of marine habitat. Past experience indicates that many additional significant adverse effects may occur. These include a loss of access and a loss of natural character. The principal reasons for adopting most of the objectives and policies on reclamation is to minimise adverse effects and to promote the efficient use the coastal marine area. The objectives and policies do not seek to prohibit further reclamation. Some past reclamations have provided substantial benefits to the people and communities of the Wellington Region, and not all reclamations are necessarily contrary to sustainable management.

Major reclamations have been undertaken in Wellington Harbour, but not all have been fully utilised. Because of the adverse effects which may be associated with reclamations, it is important to ensure that all reclamations are either the only practical option or provide net beneficial effects. The policies provide guidance about acceptable and unacceptable purposes for reclamation, and seek to protect areas with important characteristics and high conservation value.

The environmental objectives are consistent with the requirements of the Act, and with the policies of the New Zealand Coastal Policy Statement 1994.

Management

Because of the potential impact of reclamation or draining, and the concern expressed by people and communities within the Region, it is important that the public is provided with an opportunity to make submissions on all proposals to reclaim or drain the coastal marine area, other than for small reclamations likely to cause only minor adverse effects. This will ensure that the process of deciding resource consents is open, and that any community concerns are heard prior to any decisions being made. This is also important

where subdivision, use or development of a reclaimed or drained area will have impacts on the adjacent land and/or activities outside of the coastal marine area.

16.2.2 Rules

The Act prohibits any reclamation or draining of foreshore or seabed unless it is allowed by a rule in a regional coastal plan or by a resource consent. Because all reclamation and draining of the coastal marine area will have adverse effects, it is appropriate that they require resource consents in all cases, and that there is an opportunity for the application to be declined.

The Minister of Conservation has required that some activities involving reclamation of foreshore or seabed be identified as restricted coastal activities. This is the principal reason for adopting these particular rules.

The principal reason for identifying all remaining activities involving the reclamation or draining of foreshore or seabed as a discretionary activity is to provide certainty as to the status of the activities, to retain the ability to decline applications for inappropriate use and development, and to ensure that where use and development occurs, any adverse effects are avoided, remedied and mitigated.

16.3 Structures

16.3.1 Objectives, policies and other methods

Environmental

Many uses of the coastal marine area require structures. The objectives, policies, rules and other methods have been adopted to ensure that appropriate use and development of structures can occur in the coastal marine area. However, the use and development of structures can also have significant adverse effects on the environment, and objectives and policies have been adopted to ensure that adverse effects are avoided, remedied or mitigated.

The policies recognise that foreshore and seabed which is suitable for a number of activities is limited, and therefore must be used efficiently. This is particularly the case in the sheltered areas of Wellington and Porirua Harbours which are adjacent to major population centres. This limited space is the principal reason that, except for the Lambton Harbour Development Area, the use and development for structures which do not need to be located in the coastal marine area is considered inappropriate. The Lambton Harbour Development Area is exempt from this requirement because of the unique

nature of this area, because of its close association with central Wellington City, and because it has its own development plan. The area is already highly modified by development, and its use has been accepted by the community.

Structures associated with network utility operations, such as pipelines and cables, provide significant benefits to the community and must often be located in the coastal marine area. For example, the Cook Strait power cables are essential for the efficient use of resources and contribute significantly to the economic development of the whole country. These are the principal reasons that a policy has been adopted which recognises that structures associated with network utility operations are appropriate in the coastal marine area, subject to environmental controls being in place.

A substantial portion of the developed coastline in the Wellington Region is susceptible to coastal erosion and other hazards. A typical response to such hazards is the erection or placement of "hard" shore protection structures such as seawalls and groynes. While such structures may provide some protection to property, they often have significant adverse effects on the coastal environment. These effects can be accentuated in those situations where a number of separate structures are developed by individual property owners. Adverse effects can be minimised by the construction of a properly designed comprehensive shore protection structure.

The construction of "hard" structures is only one option for dealing with coastal hazards. A policy has been adopted to ensure that all options are considered and that "hard" structures are used as a "last" rather than "first" method of mitigation.

The coastal marine area can be a hostile environment for structures. There are many examples of failed or damaged structures, particularly shore protection structures. The failure of a structure can have direct adverse effects on the coastal marine area. It can also have secondary adverse effects if failure of the structure results in any release of contaminants. The chances of adverse effects of this kind occurring can be minimised through correct design. This is the principal reason for adoption of a policy on this matter.

Poorly maintained structures can detract from natural character and amenity values, and can prove to be hazardous to use. Poor maintenance may also have secondary adverse effects on the environment. For example, if a swing mooring fails through poor maintenance, and the vessel washes ashore, considerable environmental damage may ensue during any salvage operation. It is for these reasons that a policy ensuring adequate maintenance of structures has been adopted.

The principal reason for adopting a policy requiring removal of structures not in use, where this is practicable and where the adverse effects are acceptable, is because such structures do not constitute an efficient use of the coastal

marine area. They are likely to be poorly maintained and therefore subject to the adverse effects outlined in the preceding paragraph.

The development of new structures could result in the loss of important views of the coastal marine area. Wellington City Council has indicated a desire that a policy be adopted which recognises the importance of protecting significant views from the city. A policy has been adopted to this effect.

Development of new structures could also compromise the safety of aircraft using Wellington International Airport and Paraparaumu Airport if such structures extend into the flight path of aircraft landing and taking off. Protection of this flight path is therefore essential, and is the principal reason for adopting a policy on this matter.

Management

Swing mooring of vessels is considered to be an appropriate use of the coastal marine area if concentrated in particular localities. This is the principal reason for adopting a policy which requires such areas to be identified, and their use facilitated.

Information on the effects of structures on the coastal marine area, and, in particular, on cumulative effects, can only be successfully gained if good records are kept of all structures. A comprehensive record of structures is not currently available. These are the principal reasons why the Plan provides for an inventory to be developed. Such an inventory will also help in identifying illegal and abandoned structures.

16.3.2 Rules

The Act prohibits most activities associated with the development of structures in the coastal marine area, unless the activity is allowed by a rule in a regional coastal plan or by a resource consent.

The principal reasons for adopting rules for permitted activities is because these activities have no or minor adverse effects, or any adverse effects are outweighed by the positive effects or benefits. In addition, the use of structures is provided for as a permitted activity in specified circumstances. This rule gives effect to the policies regarding appropriate use of structures in the coastal marine area. Providing for these activities as permitted activities minimises the administrative requirements.

Where maintenance, minor extensions, or removal of structures will cause significant disturbance of the foreshore or seabed it has been provided for as a controlled activity. In these circumstances the activities are still being facilitated, but control is retained to ensure adverse effects are appropriately managed.

The placement of swing moorings within identified Mooring Areas has been adopted as a controlled activity. This is in order to ensure that the siting of individual moorings does not cause a hazard to other users of the Mooring Area, and to ensure that the moorings are adequately maintained. It is considered necessary to retain some control over this matter, while providing assurance that the consent will be granted if the requirements of the rule are met.

Nearly all of the foreshore and seabed in the coastal marine area is land of the Crown which should be administered in the best interests of the community. It is for this reason that occupation by a lawful structure is provided for as a controlled activity in this Plan. Retaining a degree of control also enables the Council to ensure that structures are adequately maintained and in a state which does not detract from the natural character and visual amenity, and that they are used for appropriate purposes.

The Minister of Conservation has required that some activities involving structures be identified as restricted coastal activities. This is the principal reason for adopting these particular rules.

The principal reason for identifying all remaining activities involving the use and development of structures as a discretionary activity is to provide certainty as to the status of the activities, to retain the ability to decline applications for inappropriate use and development, and to ensure that where use and development occurs, any adverse effects are avoided, remedied and mitigated.

16.4 Destruction, damage or disturbance of foreshore or seabed

16.4.1 Objectives and policies

Environmental and management

Many activities that take place in the coastal marine area in the Wellington Region involve disturbance of foreshore or seabed. The scale of these activities ranges from minor disturbance, such as the clearing of a stormwater outlet, to major disturbance associated with dredging.

Objectives and policies in the Plan have been adopted to provide for activities which result in minor disturbance and for those for which the positive benefits for the community outweigh any adverse effects on the environment. In these cases, disturbance of the foreshore and seabed is considered appropriate.

Coastal sand and gravel are regarded as a high quality resource by the aggregate industry. There is a demand for this material to be extracted from the coastal marine area. A policy has been adopted which requires that such operations only be undertaken where they will not result in coastal erosion. The removal of amounts which are greater than the rate of supply will inevitably result in erosion. This in turn will result in the loss of land and potentially threaten property.

Objectives and policies have been adopted to minimise the area of foreshore or seabed destroyed. Destruction will generally occur in reef areas, which are important habitats. Once an area is destroyed, full reinstatement is impossible, and so the value of the area is lost permanently.

The Plan recognises the need to protect the Hutt Valley aquifer from the adverse effects of seabed disturbance.

There are rocks in the coastal marine area which have traditional significance to tangata whenua and which require protection from inappropriate use and development. A policy has been included to provide explicit recognition of the importance of these rocks, and the need to prevent their removal or destruction.

16.4.2 Rules

The Act prohibits any activity involving the damage, destruction, or disturbance of foreshore or seabed in a manner that has adverse effects on the foreshore or seabed, or on plants, animals, or their habitats, unless that activity is allowed by a rule in a regional coastal plan or by a resource consent.

The principal reason for adopting rules for permitted activities is that these activities have no or minor adverse effects, or because any adverse effects are outweighed by the positive effects or benefits for the community. The activities provided for take place at fixed or known sites. They have been undertaken in the past and their adverse effects are known. The rules relating to the realignment of river mouths provide for natural processes to occur, provided that community assets are not exposed to unacceptable flooding or erosion risks.

The realignment of the Waikanae River has been singled out as a controlled activity because of the importance of the Waikanae Estuary Scientific Reserve. Control is retained over the operation, while ensuring that the cutting can proceed.

Control is also retained over dredging for river management purposes, drilling, and maintenance dredging, while indicating that these activities will be granted consent. Dredging for river management purposes mitigates the

flood hazard, and drilling up to 200 millimetres diameter will have minor adverse effects. Maintenance dredging provides positive benefits for the safe and convenient navigation of vessels.

Parts of Wellington Harbour require occasional dredging to provide for safe navigation and port-related activities. Specific provision is made for dredging in defined locations as discretionary or restricted coastal activities. Maintenance dredging is provided for as a permitted activity once “approved levels” have been set by a resource consent. The dredging occurs in already modified environments and therefore the effects of the dredging are judged to be less significant.

The Minister of Conservation has required that some activities involving disturbance of foreshore or seabed be identified as restricted coastal activities. This is the principal reason for adopting these particular rules.

The principal reason for identifying all remaining activities involving the destruction, damage or disturbance of foreshore or seabed as a discretionary activity is to provide certainty as to the status of the activities, to retain the ability to decline inappropriate use and development, and to ensure that where use and development occurs, any adverse effects are avoided, remedied and mitigated.

16.5 Deposition of substances on foreshore or seabed

16.5.1 Objectives and policies

Environment and management

Objectives and policies have been adopted to provide for the nourishment of beaches to mitigate coastal erosion or to improve amenity values. Beach nourishment is a method of protection from erosion that, if carried out correctly, will have minimal adverse effects. This gives the method advantages over traditional structural protection measures. It is therefore desirable for the Plan to encourage its use in the Wellington Region.

In some areas of the Wellington Region the foreshore has been denuded of fine sediments. The amenity value of the beaches in these areas can be improved by the placement of suitable material. The Plan encourages such activities.

While some activities involving the deposition of substances on foreshore or seabed can have positive effects on the environment, deposition from other activities can have significant adverse effects. These include the release of toxic substances, and the smothering of marine fauna and flora. It is for this

reason that objectives and policies have been adopted to provide guidance about deposition that is not considered appropriate in the coastal marine area.

16.5.2 Rules

The Act generally prohibits any activity involving the deposition of any substance in, on, or under any foreshore or seabed, unless the activity is allowed by a rule in a regional coastal plan or resource consent or by a rule in a regional coastal plan.

The deposition of clean wind blown sand has been provided for as a permitted activity in order to encourage this activity, and to recognise current practices. In some areas, such as Lyall Bay, significant quantities of sand are blown onto the road adjacent to the beach. If this sand is not returned to the beach, it will be lost from the sediment budget. While the quantity lost may be relatively small in the short term, the cumulative adverse effects could be very significant, especially where the sediment supply is limited.

Beach nourishment has been provided for as a controlled activity to encourage its use, but to retain control over some of the details to ensure that any adverse effects are avoided, remedied or mitigated. The benefits have been outlined in the previous section.

The Minister of Conservation has required that some activities involving the deposition of substances on foreshore or seabed be identified as restricted coastal activities. This is the principal reason for adopting these particular rules.

The principal reason for identifying all remaining activities involving the deposition of any material on foreshore or seabed as a discretionary activity is to provide certainty as to the status of the activities, to retain the ability to decline inappropriate use and development, and to ensure that where use and development occurs, any adverse effects are avoided, remedied and mitigated.

16.6 Exotic or introduced plants

16.6.1 Objectives, policies and other methods

Environmental

The Act and the New Zealand Coastal Policy Statement 1994 both contain provisions about the planting of exotic or introduced plants. Inappropriate introductions of exotic or introduced plants may adversely affect areas of significant indigenous habitat or indigenous fauna and flora, cultural values, and the natural character of the coastal marine area. These reasons preclude

the "do nothing" option and make the formulation of objectives, policies, rules and other methods about the introduction of exotic plants appropriate in this Plan.

The principal reasons for the environmental objectives and policies are to only provide for the introduction of exotic or introduced plant species where they are unlikely to become established as weeds. New Zealand has a long history of introduced species becoming pests. For example, in the coastal marine area *Spartina* species, which were originally introduced to provide stock food and to raise the level of tidal land, have become a serious weed in some parts of the country.

Spartina is present in Lake Onoke, but is not causing any problems at present. The parts of the coastal marine area which are most prone to be affected by the introduction of exotic or introduced species of plant are Wellington and Porirua Harbours which are likely to be the centre of any future aquaculture operations.

Balancing the risk of weed species becoming established is a need to allow for possible future activities which involve planting or introduction of exotic plants in, on, or under any foreshore or seabed. For example, in some parts of the world the introduced Asian kelp (*Undaria pinnatifida*) is a desired food species and supports significant aquaculture ventures.

Management

The accidental introduction of exotic or introduced plants is most likely in Wellington Harbour. Already foreign vessels using the Port of Wellington and the movement of boats between marinas in the harbour has resulted in the introduction of a number of species including Asian kelp (*Undaria pinnatifida*).

While it is not possible to prevent a genuine accidental introduction of an exotic or introduced plant, the management policy should ensure that no unnecessary risks are taken.

16.6.2 Rules

The Act requires that the introduction or planting of exotic or introduced plants in the coastal marine area is not allowed unless expressly authorised by either a rule in a regional coastal plan or a resource consent.

The magnitude of the risks related to the introduction or planting of an exotic or introduced plant is such that there are no permitted or controlled activities. The minimum control for the introduction or planting of any exotic or introduced plant is a discretionary activity which applies to any plant which is already established in an area. Discretion has been retained because it is

possible that undesirable species may be established within the region. Some exotic or introduced plant species may already be established in special areas such as Areas of Significant Conservation Value, and in those cases it could be inappropriate to permit further introductions. The control exerted in this section is also consistent with Policy 3.3.1 (precautionary approach) of the New Zealand Coastal Policy Statement 1994.

The Minister of Conservation has required that some activities involving the introduction of any exotic plant species (other than any species of the genus *Spartina*) to a part of the coastal marine area where that plant is not already naturally or lawfully established in the area be identified as restricted coastal activities. This is the principal reason for adopting these particular rules.

The rule specifying a prohibited activity is intended to ensure that *Spartina* species do not become established in the Region. *Spartina* has serious adverse effects in harbours and inlets in other parts of the country and it is extremely desirable that the species are not allowed to establish in the Wellington Region.

16.7 Discharges to land and water

16.7.1 Objectives, policies and other methods

Environmental

There are parts of the coastal waters of the Wellington Region that have been, and are continuing to be, degraded by contaminants discharged as a result of human activities. This is an issue that has caused wide concern amongst people and communities in the Region, and in particular, iwi. The Wellington Regional Council's Environmental Attitudes Project showed that water quality was the single most important environmental issue in the Region (Wellington Regional Council 1993a,1993b). In addition, both the Act and the New Zealand Coastal Policy Statement 1994 place considerable emphasis on water quality and the discharge of contaminants. The levels of concern about water quality and the stance of the New Zealand Coastal Policy Statement 1994 preclude the "do nothing" option. It is therefore appropriate and necessary that this Plan deals with discharges of contaminants or water into water in the coastal marine area.

The major purpose of the environmental policies and objectives are to obtain the best water quality possible given the legislative, technical and management constraints. In doing that the objectives and policies should also result in an improvement in existing water quality. This is consistent with the Act and the New Zealand Coastal Policy Statement 1994.

In addition, the environmental objectives and policies facilitate those activities where there are no practicable alternatives to discharging to water or land in the coastal marine area (providing the effects are remedied or mitigated) or where the adverse effects of such discharges are very minor.

A number of the objectives and policies are directed towards assessing the option of classifying water in the coastal marine area. Until the issue of classification can be fully addressed, the policies require that ambient water quality should be suitable for contact recreation in those parts of the coastal marine area adjacent to urban areas and shellfish gathering elsewhere. Generally, this represents the present water quality in the coastal marine area, although there are some sites where improvements will be necessary. In areas with degraded water quality the policies have been set as realistic targets. The standards are consistent with the provisions of the Act and the New Zealand Coastal Policy Statement 1994.

Implementation of a water classification system for the whole of the coastal marine area in the Wellington Region would provide a comprehensive framework for dealing with individual applications for discharge of contaminants or water. A water classification would also provide more certainty to people and communities in the Region. Water classification has not always been successful in the past, and in some parts of the Region the water rarely meets the classified standard. Because of this fact, and the new water quality classes provided in the Third Schedule of the Act, time is required to establish the feasibility and desirability of using, and implementing such a system of classification.

The Council is concerned about the potential adverse effects of the introduction of new organisms through the discharge of ballast water. However, it acknowledges that the Ministry of Agriculture and Fisheries is the lead agency in such matters and it would be impracticable to control such discharges through regulations in this Plan. Thus, the Council has adopted an educative role to address this issue.

The remainder of the policies are intended to offer guidance to consent authorities in the decision making process. Most activities involving the discharge of contaminants to water will require a resource consent, and clear policy guidance will be essential for resource consent authorities. Thus, the policies highlight the matters which may be relevant in deciding whether to grant a consent and what conditions would be appropriate.

Management

Many of the management objectives and policies are designed to ensure that dischargers are given the opportunity to modify their practises to comply with the new regime. It would be unfair and unreasonable for dischargers to be expected to meet the new standards "overnight" although delays in meeting the standards must be kept to a minimum so the environment is not adversely affected.

Other management objectives and policies are designed to ensure that the future management regime is both robust and flexible. It is important to ensure that the water management system is able to deal appropriately with the circumstances and effects of individual discharges.

16.7.2 Rules

Many of the discharges of contaminants to water or land in the coastal marine area related to the operational needs of vessels are permitted activities. In the course of their normal operations vessels discharge minor amounts of contaminants into the coastal marine area. These discharges have not been shown to result in any significant adverse effects on the environment. Section 15 of the Act requires that any discharge of contaminants or water be authorised either by a rule in a regional coastal plan or a resource consent. As the adverse effects of these discharges are very minor it is appropriate that they be authorised as permitted activities.

The issue of stormwater is extremely difficult to address. The Act prohibits the Wellington Regional Council from allowing, as a permitted activity, any discharge that is likely to have a number of specified effects (section 70 (1)). Technical advice suggests that in many cases stormwater discharges will not be able to meet the standards prescribed in the Act. The Council is aware that it would be unfair and impracticable to require that resource consents be obtained for stormwater discharges from the date that the plan becomes operative. Accordingly, stormwater discharges have been allowed to continue as a permitted activity until the issue of water classification has been addressed (see methods 9.5.1, 9.5.2, and 9.5.3) territorial authorities will be allowed to continue present practices. After six years from the date this Plan becomes operative territorial authorities and others who discharge stormwater, which can not meet any standards in this Plan, will require resource consents. It is anticipated that a resource consent will be issued for groups of stormwater outfalls rather than for each individual outfall.

Most discharges to land and water in the coastal marine area are categorised as discretionary activities. This reflects the emphasis in the Act and New Zealand Coastal Policy Statement 1994 on water quality in the coastal marine area. By making these discharges discretionary the consent authority can address the effects of each discharge on an individual basis and develop

appropriate ways of avoiding, remedying, or mitigating such adverse effects. Where the adverse effects can not be avoided, remedied, or mitigated discretionary status ensures that the consent authority retains the power not to grant any resource consent.

The Minister of Conservation has directed that any discharge which the applicant wishes to be granted consent on the grounds that exceptional circumstances justify the granting (section 107 (2)(a)) shall be a discretionary and restricted coastal activity. A rule has been inserted to this effect.

The Minister of Conservation has also directed that any discharge of human sewage to the coastal marine area, except from vessels, shall be a discretionary and restricted coastal activity outside of any Area of Significant Conservation Value, and a non-complying and restricted coastal activity within any Area of Significant Conservation Value. The rules are also consistent with policies 5.1.1, 5.1.2, and 5.1.3 of the New Zealand Coastal Policy Statement 1994.

16.8 Discharges to air

16.8.1 Objectives, policies and other methods

Environmental

The Act prohibits the discharge of contaminants to the air from industrial and trade premises, unless it is permitted by a rule in a regional coastal plan or a resource consent. A non-interventionist approach to the issues would mean that resource consents would be required for some very minor discharges to air simply because they occurred on a industrial or trade premise.

The environmental objectives and policies in this section are designed to ensure that the present high air quality in the coastal marine area is retained. At present, there are no discharges to air in the coastal marine area which are known to cause significant adverse effects for human health, plants, animals and communities. However, there are some discharges which cause nuisance and cause a loss of amenity. The Council is required to have particular regard to the maintenance and enhancement of amenity values under the Act.

The provisions in this section have been adopted to facilitate the necessary operations of industrial and trade premises which may result in the discharge of contaminants to air in the coastal marine area, while ensuring the any adverse effects are acceptable.

Management

The objectives and policies in this section have two purposes. The first is to facilitate the collection of further information on any adverse effects of discharges to air in the coastal marine area. At present there is virtually no information on the ambient air quality in the coastal marine area. Comments on the precise effects of discharges to air are little more than informed speculation. If the air quality management regime is to become more robust and sophisticated, further research and monitoring or air quality are required.

The second purpose of the management objectives and policies is to address the issue of discharges to air drifting out of the coastal marine area and adversely affecting people and communities on land. This is necessary because winds may blow a discharge to air over land where its adverse effects are felt. This plan is the only place where such discharges can be controlled. The Regional Air Quality Management Plan for the Wellington Region referred to in other method 10.5.1 can only deal with discharges to air outside the coastal marine area.

16.8.2 Rules

The purpose of the permitted activities is to ensure that normal maritime operations can continue without requiring a resource consent. Discharge to air from the exhausts of ships are generally minor and it would be unfair and unreasonable to require such discharges to require a resource consent.

Presently the Act requires all discharges from industrial or trade premises to obtain a resource consent unless they are authorised by a rule in a regional plan. The second rule for permitted activities will allow minor, temporary activities, such as the maintenance of port structures or equipment.

The flaring of hydrocarbons is an essential component of petroleum exploration. Any discharge to air as a result of such flaring will be temporary, and rule has been included to allow such discharges as a permitted activity, provided certain criteria are met. For hydrocarbon mining, the effects are ongoing, and any discharge to air will require consent as a discretionary activity.

The activities that discharge contaminants to air from an industrial or trade premise which are not controlled or permitted activities automatically become discretionary activities. This approach is consistent with the presumption in the Act that discharges to air from industrial or trade premises will generally require resource consents. The activities are designated 'discretionary' rather than controlled because there is very little information available on the likely effects of such discharges. Policy 3.3.1 of the New Zealand Coastal Policy

Statement 1994 requires that a precautionary approach be adopted when information is scarce.

Activities such as the burning of motor vehicles and insulated cable for the recovery of metal are prohibited in this plan. Open burning of these materials (which occasionally occurs on beaches) results in the emission of dense smoke containing toxic substances (from burning plastic) which have adverse effects on both human health and amenity values. Unlike all other rules in this section the prohibition on the open burning of vehicles and insulated cable applies to all parts of the coastal marine area, not just industrial or trade premises.

16.9 Taking, use, damming or diversion of water

16.9.1 Objectives and policies

Environmental

The environmental objectives and policies in this section are intended to ensure that there are no adverse effects on the coastal marine area caused by the taking, use, damming or diversion of water and that, as far as possible, users are not constrained by consent requirements.

Section 14(1) of the Act prohibits the taking, using, damming or diverting water (other than open coastal water) unless it is expressly allowed by a rule in a regional plan and proposed regional plan or by a resource consent. Thus the provisions in this section are required in order to facilitate takes, uses, dams, and diversions with few or no adverse effects.

Section 14(2) of the Act has the opposite presumption. That is, it prohibits the taking, using, damming or diverting of any open coastal water only if it contravenes a rule in a regional plan or proposed regional plan, unless expressly allowed by a resource consent or by section 20 (certain existing activities allowed). From the consultation and research undertaken during the preparation of this plan the Council has concluded that there are no actual or potential issues arising from the taking, use, damming or diversion of open coastal water. Thus, there are no rules about the taking, use, damming, or diversion of open coastal water in this plan. These activities are all allowed without a resource consent. The Council will continue to monitor the situation and, if issues arise, will consider whether they should be included in this plan.

Management

The management provisions in this section are intended to ensure that resource users are subject to the minimum consenting requirements. There are few issues relating to the taking, use, damming, or diversion of water in the coastal marine area and it is not appropriate to have onerous consent requirements on resource users.

16.9.2 Rules

The New Zealand Coastal Policy Statement 1994 requires that regional coastal plans provide for ships to take water for operational and fire fighting purposes (Policy 5.2.5). Ships of various sizes use Wellington and Porirua Harbours and will need to be able to carry out normal operations in those harbours, thus making the option of "do nothing" unacceptable.

A rule is incorporated to allow the taking of coastal water (other than that found in rivers, estuaries or lakes in the coastal marine area) as permitted activities. The rule has been included because there are no known issues associated with the taking and use of sea water. The rule will also allow ships to take and use water for their operational needs.

The Plan allows the taking of water from the lower reaches of rivers while still retaining some control. The amount of 3000 cubic metres per day was chosen based on knowledge of current abstractions and their effects. The rule applies to those parts of the Otaki, Waikanae, and Hutt Rivers and their estuaries that are within the coastal marine area as well as to Lake Onoke. Abstractions from those parts of smaller streams which are within the coastal marine area are discretionary activities and are subject to Rule 76.

Major takes and uses of water in those parts of rivers and lakes that are in the coastal marine area, as well as all dams, and diversions of water are treated as discretionary activities. This should affect relatively few users and is primarily designed to ensure that dams, diversions and large takes of water do not have major adverse effects on those parts of rivers, streams and harbours within the coastal marine area. The principal reason for identifying all remaining activities involving the taking, use, damming, or diversion of water in the coastal marine area is to provide certainty as to their status. In addition discretionary activities allow the consent authority to place conditions on resource consents or to decline applications for inappropriate use of water.

16.10 Surface water and foreshore activities

16.10.1 Objectives, policies and other methods

Environmental and management

Surface water and foreshore activities which do not change or disturb the physical environment are not restricted by the Act in the same way as the other activities dealt with in sections 4-12. The Act does, however, provide for such activities to be regulated, and many of these activities have been regulated within Wellington Harbour in the Transitional Regional Coastal Plan. Because surface water and foreshore activities can have significant adverse effects on the environment, it is necessary for this Plan to provide some guidance.

Objectives and policies have been adopted to ensure that most activities on the foreshore or on the surface of the water are allowed provided that they do not disturb the physical environment and avoid adverse effects. Other objectives and policies have been adopted to provide for special events which occur for short periods of time. Events of this nature have taken place in the past and are generally accepted as an appropriate use of the coastal marine area.

The driving of vehicles on beaches is a highly controversial issue in some parts of the Wellington Region. This Plan has adopted objectives and policies which provide a compromise between conflicting community desires by continuing to regulate vehicles on high use beaches.

The Ministry of Transport have advised that navigation and safety issues associated with surface water activities should be dealt with under the Harbours Act 1950. This advice has been adopted by the Wellington Regional Council.

16.10.2 Rules

The rules for permitted activities have been adopted to ensure that general surface water and foreshore activities, such as passive recreation, are allowed without any "red tape". They also provide for beach horse races which are established and accepted events, and for temporary military training exercises.

The Minister of Conservation has required that some activities involving disturbance of foreshore or seabed be identified as restricted coastal activities. This is the principal reason for adopting this particular rule.

The rules for discretionary activities have been adopted to provide for the control of vehicles on high use beaches, to provide certainty as to the status of the activities, to retain the ability to decline inappropriate use and development, and to ensure that where activities occur, any adverse effects are avoided, remedied and mitigated.

17. Environmental Results Anticipated

17.1 Environmental

- 17.1.1 The coastal marine area in general receives a high degree of protection, and retains its intrinsic values.
- 17.1.2 The values which form the basis for Areas of Significant Conservation Value and Areas of Important Conservation Value are protected.
- 17.1.3 Important ecosystems and other natural and physical resources are protected.
- 17.1.4 Any significant adverse effects on indigenous plants and animals or their habitat are of a temporary nature.
- 17.1.5 Outstanding natural features and important cultural and historic features are protected.
- 17.1.6 The Lambton Harbour Development Area is used for a variety of purposes. Remaining areas are only used for those activities which require a coastal marine area location. All activities use natural and physical resources of the coastal marine area efficiently.
- 17.1.7 Activities in the coastal marine area do not increase the risks from coastal hazards.
- 17.1.8 Only a small area of foreshore or seabed is reclaimed, drained, or destroyed.
- 17.1.9 Important views are not adversely affected by development or use.
- 17.1.10 Adverse effects on significant indigenous ecosystems and significant indigenous species of fauna and flora, which are caused by the deliberate or accidental introduction of exotic or introduced plants into the coastal marine area, are avoided.
- 17.1.11 The natural character and amenity values are preserved and individual developments generally contribute to the maintenance of high environmental quality.
- 17.1.12 The quality of water in the coastal marine area is enhanced because:
- water adjacent to urban areas is safe for swimming and other recreational pursuits; and
 - water in other areas is safe for shellfish gathering.

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- 7.1.13 Adverse effects on those lawful activities which were occurring on the date this Plan was notified are minimised.
- 17.1.14 Recreation and leisure opportunities (such as contact recreation sports) in the coastal marine area are enhanced because:
- outstanding natural seascapes and outstanding views, to and from land over the coastal marine area, which contribute to the leisure experiences, are protected;
 - amenity values are protected;
 - the overall quality of public access is maintained and enhanced; and
 - coastal water quality is improved.
- 17.1.15 Adverse effects from excessive noise in the coastal marine area are minimised.
- 17.1.16 No structure in the coastal marine area compromises the safety of aircraft landing or taking off at Wellington International or Paraparaumu Airports.
- 17.1.17 Structures in the coastal marine area are in a safe condition and do not have a detrimental effect on the visual amenity of the area.
- 17.1.18 Disabled persons are not disadvantaged with respect to access to new structures in the coastal marine area.
- 17.1.19 There are no obstructions to navigation in the coastal marine area.
- 17.1.20 Exterior lighting on structures in the coastal marine area does not cause a nuisance in adjoining residential areas.
- 17.1.21 Beach grooming is generally limited to high use beaches adjacent to urban areas.
- 17.1.22 Beach nourishment is used more frequently as a means of combating coastal erosion, and the proliferation of ad hoc shore protection structures is minimised.
- 17.1.23 The use of vehicles on beaches is controlled so that it does not have significant adverse effects on the values associated with the coastal marine area.
- 17.1.24 Port related activities within the Commercial Port Area continue to contribute towards the well-being of people and communities while avoiding, remedying or mitigating any associated adverse effects.

17.2 Tangata whenua

- 17.2.1 The management of the coastal marine area is consistent with Wellington Regional Council's responsibilities under the Act, and conforms with guidelines laid down in the Charter of Agreement which has been drawn up between tangata whenua and the Council. In particular, the management of the coastal marine area will ensure that tangata whenua values are taken into account, and that tangata whenua are involved, as appropriate, in decision making processes and in environmental monitoring.
- 17.2.2 Consultation with tangata whenua in relation to individual applications in areas adjoining sites of cultural significance, is appropriate and conforms with the principles about consultation which have been negotiated between the Wellington Regional Council and tangata whenua.
- 17.2.3 There will be a balance between use and development in the coastal marine area and:
- the protection of specific sites of importance to tangata whenua; and
 - access by tangata whenua to sites of cultural importance.

17.3 Management

- 17.3.1 The role of Wellington Regional Council and other agencies and organisations in managing the adverse inter-media effects of people's activities in the coastal marine area, in rivers and on adjoining areas of land used for protection, subdivision, use and development, are clearly communicated.
- 17.3.2 The total amount of space within the coastal marine area that is allocated for some form of exclusive use does not significantly restrict the ability of the general public to use and enjoy this public resource, except where access is restricted for security, public safety, animal welfare, customs or quarantine purposes.
- 17.3.3 Space within the coastal marine area is used efficiently by a variety of activities. Short term special events, such as horse racing, triathlons, the dragon boat festival, volley ball tournaments, and temporary military activities are allowed.
- 17.3.4 Wellington Regional Council's management of coastal waters is effective because:
- the Council's monitoring programme for the coastal marine area is appropriate and uses currently accepted standards to measure environmental conditions;

- the community perceives that water quality in the coastal marine area is generally improving and that the Council's efforts are appropriately directed in that area.

17.3.5 Resource consents are processed efficiently because the Plan provides for:

- appropriate information to be submitted concerning the effects of the proposed activity; and
- clear objectives, policies and rules, and other provisions to guide the consent authority in making decisions about applications.

17.3.6 A range of options is used to involve people, organisations and agencies in managing the use, development and protection of the coastal marine area.

17.3.7 A range of processes is used to deal with cross boundary issues.

18. Cross Boundary Issues

18.1 Introduction

To promote the sustainable management of the coastal marine area, and to meet the objectives of this Plan, it is necessary to establish procedures to be used to resolve cross boundary issues. There are three types of issues:

- (1) those which cross territorial authority and regional council boundaries;
- (2) those between territorial authorities in the Region; and
- (3) those between Wellington Regional Council and the adjoining regions of Marlborough (a unitary authority) and Manawatu- Wanganui.

In the case of this Plan, cross boundary issues between territorial authorities are not important because, with the exception of subdivision on reclaimed area, territorial authorities do not have any jurisdiction over resource management issues within the coastal marine area. This responsibility falls under the control of the Wellington Regional Council and the Minister of Conservation.

18.2 Issues between Wellington Regional Council and territorial authorities

Most activities that take place in the coastal marine area occur close to the shoreline. A large number span the line of mean high water springs. This line defines the landward limit of control of this Plan and the seaward limit of control of district plans. District plans are prepared and administered by territorial authorities. Examples of activities which span the line of mean high water springs include:

- boat sheds over land with slipways extending over foreshore and seabed;
- port facilities extending from areas of land onto wharf surfaces;
- many recreation activities which span the foreshore and adjacent beach area above the line of mean high water spring tide;
- coastal erosion works and the effects of coastal erosion works can extend across the line of mean high water springs; and
- maintenance and enhancement of continuous public access along the coastal marine area boundary.

The line of mean high water springs is often difficult to determine accurately without a full survey. Where mean high water springs is not surveyed there can be uncertainty as to whether an activity falls within the jurisdiction of the regional council or territorial authority.

There is another type of issue which may arise between territorial authorities and the Wellington Regional Council. This is when an activity occurs within the coastal marine area, but the effects are experienced in a district, and vice versa. Noise is a good example of this type of cross boundary issue, and there are many others, such as impacts on view corridors and glare.

18.3 Issues between Wellington Regional Council and adjoining regions

Because most activities in the coastal marine area occur in close proximity to the shoreline, and the boundary between the Wellington Regional Council and Marlborough District Council falls in the middle of Cook Strait, there is only one known cross boundary issue between these two councils. This relates to the need to provide consistent provisions for dealing with repair and maintenance of cables running across Cook Strait.

There are also issues between the Wellington Regional Council and the Manawatu-Wanganui Regional Council. These involve the use of vehicles on beaches on the west coast, and the recognition and protection of an area important for mahinga mataitai on the east coast.

18.4 Processes to deal with cross boundary issues

Where appropriate, the Wellington Regional Council will:

- encourage territorial authorities within the Wellington Region, the Marlborough District Council and the Manawatu-Wanganui Regional Council to work with the Wellington Regional Council to resolve cross boundary issues;
- advise the appropriate territorial authorities on resource consent applications which, in the Wellington Regional Council's opinion, are likely to have cross boundary effects;
- seek a consistent approach between plans dealing with the control of activities where such activities span boundaries or the effects of activities span boundaries;
- advocate the inclusion of appropriate objectives and policies to ensure consistency where the Wellington Regional Council believes that the objectives of this Plan will be adversely affected by resource management plans prepared by other local authorities;
- use joint hearings in those situations where resource consents are required from both the Wellington Regional Council and a territorial authority for an activity which spans the line of mean high water springs; and

- use joint hearings where resource consents are required from both the Wellington Regional Council and an adjacent regional council for an activity which spans a regional boundary.

19. Review and Monitoring

19.1 Introduction

This section deals with the procedures to be used to:

- review the matters contained within this Plan; and
- monitor the effectiveness of the Plan as a means of achieving its objectives and policies.

These procedures need to be viewed in the context of the requirements of sections 35 and 79 of the Act. Section 35 places a duty on the Wellington Regional Council to monitor the effectiveness of this Plan. It must take appropriate action, having regard to the methods available under the Act, where this is shown to be necessary. Section 79 requires that this Plan is reviewed after a maximum period of 10 years from the date it becomes operative.

19.2 Procedures to monitor the effectiveness of this plan

19.2.1 Subject to the provisions of its Annual Plan, Wellington Regional Council will monitor changes to the following aspects of the environment using techniques identified in section 19.2.2:

- (1) The nature and extent of use of the coastal marine area;
- (2) Values of the coastal marine area, including aesthetic, landscape, recreational, historical, spiritual, cultural and scientific;
- (3) Natural and physical resources, including land, water, air, soil, minerals, and energy, and all structures;
- (4) Ecosystem characteristics, including existing physical disturbance of marine habitats, essential natural environment processes (including coastal processes), and plants and animals; and
- (5) Any risk to human life, property, or other aspects of the environment from natural hazards or the use of hazardous goods and substances or installations handling hazardous goods and substances.

The results from the monitoring will be evaluated to determine:

- (1) If any changes to matters in (1)-(4) above are attributable to the objectives and policies of this Plan or omissions from this Plan and whether there have been unintended consequences as a result of the implementation of the Plan;
- (2) Whether the original assessment of benefits and costs of principal alternative means of dealing with issues carried out in accordance with

section 32 of the Act, including likely implementation and compliance costs, is still applicable. This will also involve an evaluation of the distribution of benefits and costs resulting from the Plan; and

- (3) The extent to which substantiated concerns, priorities and aspirations of people and communities have been addressed by the objectives, policies, rules and other methods in this Plan.

19.2.2 The following monitoring techniques will be used as appropriate in individual circumstances:

- (1) Ongoing surveys of attitudes to the environment held by the Minister of Conservation, other resource management agencies, business people, farmers, community groups, outdoor recreation clubs, visitors to coastal sites in the Region, and Wellington Regional Council staff;
- (2) Ambient air quality surveys;
- (3) Environmental water quality surveys, with an emphasis on bathing beaches;
- (4) Analysis of feedback, compliments, and complaints received through the news media, meetings, correspondence, and other means from resource users, the public, and other interested or affected parties;
- (5) Conditions on resource consents to require self monitoring of activities in the coastal marine area;
- (6) compliance audit checks of all self monitoring carried out by resource consent holders; and
- (7) Any other monitoring techniques (such as monitoring of the effects of permitted activities) which may be necessary and appropriate.

19.3 Procedures to review the regional coastal plan

The Wellington Regional Council will undertake a complete review of this Plan within 10 years of it becoming operative. In the interim period, the information gained from the monitoring described in section 19.2 will be used in an "on-going" and "as required" basis to determine if any action is required. One or more of the following methods will be used to implement any required actions:

- (1) Continue monitoring or investigation to confirm causes and effects;
- (2) Advocate action by other resource management agencies (this will be important if the effects are caused by an activity beyond the control of the Wellington Regional Council);
- (3) Increase public awareness, and thereby indirectly advocate a course of action by others;

-
- (4) Issue an abatement notice or seek an enforcement order if the effects are related to an activity in breach of the Act or this Plan;
 - (5) Review conditions on resource consents, where this has been provided for in the consent or is allowed by the Act;
 - (6) Implement a change to this Plan, the Regional Policy Statement, or other regional plans;
 - (7) Prepare a regional plan; and
 - (8) Advocate a change to a district plan.

20. References

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Appendix 1

River Mouths

The following river mouths have been set in accordance with section 2 of the Resource Management Act 1991. Maps showing the locations are included at the end of this section.

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Mataikona River <i>Figure 1.13</i>	U25 854 355	The seaward edge of the Owhanga swingbridge at NZMS 260 U25 854 427.
Okau Stream <i>Figure 1.14</i>	U26 833 352	The seaward edge of the Mataikona Road Bridge at NZMS 260 U26 833 353.
Whakataki River <i>Figure 1.15</i>	U26 816 326	The seaward edge of the Masterton Castlepoint Road Bridge at NZMS 260 U26 816 326.
Ngakauau Stream <i>Figure 1.16</i>	U26 263 784	Where the road crosses the stream at NZMS 260 U26 263 784.
Whareama River <i>Figure 1.12</i>	U26 711 169	Continuation of the fence line which approaches the river at NZMS 260 U26 706 172.
Motuwaireka Stream <i>Figure 1.11</i>	T27 681 091	The seaward edge of the Orui Bridge at NZMS 260 T27 680 092.
Kaiwhata River <i>Figure 1.10</i>	T27 603 972	The peak of the first major bend where an unnamed stream (not marked on the map) enters the river at NZMS 260 T27 603 972.
Pahaoa River <i>Figure 1.9</i>	T28 375 755	A right angle from the point at which the road begins to follow the river upstream at NZMS 260 T28 377 759.
Oterei River <i>Figure 1.17</i>	S28 252 662	The seaward edge of the Te Awaiti Road Bridge at NZMS 260 S28 252 664.

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Awhea River <i>Figure 1.19</i>	S28 200 639	An extension from Te Awaiti Road where it runs roughly perpendicular to the river at NZMS 260 S28 198 641.
Opouawe River <i>Figure 1.18</i>	S28 122 577	An extension from White Rock Road where it runs roughly parallel with the Coast at NZMS 260 S28 122 577.
Ruamahanga River <i>Figure 1.25</i>	R28 880 786	Point at which the Ruamahanga River enters Lake Onoke NZMS 260 R28 890 796.
Orongorongo River <i>Figure 1.1</i>	R28 689 747	The seaward side of the Coast Road Bridge at NZMS 260 R28 690 748.
Wainuiomata River <i>Figure 1.2</i>	R28 671 756	A line extending off the Coast Road as it runs approximately parallel to the coast at NZMS 260 R28 676 755.
Hutt River <i>Figure 1.3</i>	R27 691 944	The seaward edge of the Waione Street (Estuary) Bridge at NZMS 260 R27 693 953.
Makara Stream <i>Figure 1.4</i>	R27 537 972	A line off the edge of Estuary Street (previously known as Cook St) across the stream at NZMS 260 R27 538 971.
Porirua Stream <i>Figure 1.8</i>	R27 647 068	The seaward edge of the new (not marked on the map) Porirua Ramp Bridge at NZMS 260 R27 647 067.
Pauatahanui Stream <i>Figure 1.5</i>	R27 708 095	The landward edge of the Pauatahanui Inlet Wildlife Management Reserve at NZMS 260 R27 708 095.
Horokiri Stream <i>Figure 1.6</i>	R26 702 107	The seaward side of the Pauatahanui Road Bridge at NZMS 260 R26 702 107.
Kakaho Stream <i>Figure 1.7</i>	R26 691 114	The seaward side of the Pauatahanui Road Bridge at NZMS 260 R26 691 115.

River	River Mouth (NZMS 260 Grid References)	Coastal Marine Area Boundary
Taupo Stream <i>Figure 1.20</i>	R26 668 117	The seaward side of the Steyne Avenue Bridge at NZMS 260 R26 668 117.
Waikanae River <i>Figure 1.24</i>	R26 791 352	A line extending from the eastern side of the road east of the dune lakes at NZMS 262 R26 794 349.
Waimeha Stream <i>Figure 1.23</i>	R26 811 366	The seaward edge of the Field Way Road Bridge at NZMS 260 R26 811 366.
Otaki River <i>Figure 1.11</i>	R25 875 776	A line extending south from the road on the true right bank at NZMS 260 R25 880 475.
Waitohu Stream <i>Figure 1.21</i>	R25 893 505	A line running at 90 degrees from the end of Moana Street across the stream at NZMS 260 R25 893 505.

For the remaining rivers in the Wellington Region, the mouth is deemed to be a straight line representing the continuation of the line of Mean High Water Springs on each side of the river at the river outlet.

Appendix 2

Areas of Significant Conservation Value

Name	Area	Value
Kapiti Marine Reserve	All that area shown as areas A and B on SO36790, as indicated on Planning Map 2A in Appendix 7.	Conservation, scenic, natural and scientific values. A unique combination of habitats and environments: native marine mammals and birds; diverse underwater flora and fauna; rare assemblages of sponge and ascidian species; a high degree of water clarity; spectacular scenery; and important geological formations.
Waikanae Estuary Scientific Reserve	All that area of the coastal marine area which lies within SO37103, Lot1 DP50376, Lot 5 DP71625 and Lot 1 DP52594 (all Scientific Reserve) and Lots 2 & 4 P71625 (Local Purpose (Esplanade) Reserve and Recreation Reserve), as indicated on Planning Map 2A in Appendix 7.	A range of important habitats and indigenous plant and animal species. A nationally significant wetland for waders, seabirds and waterfowl (local and migratory). An important spawning area and nursery for threatened fish species (including Galaxias spp). The reserve contains significant vegetation of estuarine shrub-rushland.
Pauatahanui Inlet	The entire Pauatahanui Inlet from the Inlet side of the Paramata Bridge (SH1) and including those areas of Pauatahanui Domain to the north-east of Grays Road as lie inside the coastal marine area, as indicated on Planning Map 2B in Appendix 7.	Natural, conservation, geological and scientific values. A wildlife reserve with a diverse waterfowl and wading-bird habitat (local and migratory), threatened fish species (including Galaxias spp) and endangered vegetation. The reserve contains significant salt marsh vegetation.
Lake Onoke	The entire area of Lake Onoke from the Ruamahanga River	Wildlife and conservation values. A breeding ground for threatened bird species and marine fish (including

	cross river boundary, as indicated on Planning Map 2J in Appendix 7.	Galaxias spp). Vegetation includes rare and vulnerable native plant species.
Castlepoint	All that area of the coastal marine area contained by a line taken from the eastern-most point of the base of the Castle and drawn at a distance of 100m offshore of Castlepoint Reef, joining Castlepoint Beach at a point in line with the end of the legal road at Castlepoint, as indicated on Planning Map 2M in Appendix 7.	Scientific, wildlife, geological, scenic, natural and conservation values. Naturally vegetated and fragile coastal vegetation containing rare plant species (including <i>Brachyglottis compacta</i>). A habitat for sea mammals and breeding ground for bird species. An internationally significant crayfish (<i>Jasus edwardsi</i>) larvae (<i>puerulus</i>) population. Outstanding scenic values and an important physical and geological landscape.

Appendix 3

Areas of Important Conservation Value

Name	Area	Value
Kapukapuariki Reef	Offshore from Whareroa Beach, as indicated in Planning Map 2E in Appendix 7.	Mahinga maataitai.
Pukerua Bay Sponge Garden	About 300m offshore from Pukerua Bay at about 30m depth, as indicated on Planning Map 2E in Appendix 7.	A localised sponge garden resulting from a small backwater which causes high local nutrient levels. Characteristic of importance to tangata whenua.
Wairaka Rock	Pukerua Bay, as indicated on Planning Map 2E in Appendix 7.	Geological feature and characteristic of value to tangata whenua (Hau's wife in Maori oral history).
Toka-a-papa Reef	Approximately 1km offshore from Karehana Bay, as indicated on Planning Map 2D in Appendix 7.	Characteristic of importance to tangata whenua.
Onehunga Bay, Whitireia	Onehunga Bay as indicated on Planning Map 2D in Appendix 7.	Tauranga waka of importance to tangata whenua.
Titahi Bay Pleistocene Fossil Forest	Intertidal reef in the centre of Titahi Bay, as indicated on Planning Map 2C in Appendix 7.	Remains of forest from last interglacial period.
The Bridge	Seabed between Mana Island and the mainland, as indicated on Planning Map 2C in Appendix 7.	A unique submarine isthmus with marine flora and fauna of national significance. Characteristic of importance to tangata whenua.
Makara Stream Estuary	Mouth of the Makara Stream, as indicated on Planning Map 2F in Appendix 7.	Estuary of regional significance for indigenous flora and fauna. Characteristic of importance to tangata whenua.
Cape Terawhiti to Ohau Point	As indicated on Planning Map 2F in Appendix 7.	Important winter haulout for New Zealand fur seals

Name	Area	Value
Oterongo (Oteranga)	Oterongo Bay, as indicated on Planning Map 2F in Appendix 7.	Characteristic of importance to tangata whenua.
Toka-haere (Thoms Rock)	Toka-haere (Thoms Rock), as indicated on Planning Map 2G NZMS 260 R27 496 823 in Appendix 7.	Characteristics of importance to tangata whenua.
Red Rocks - Sinclair Head	As indicated in Planning Map 2G in Appendix 7.	Includes the margins of Red Rocks and Sinclair Heads Scientific Reserves. Winter haulout for New Zealand fur seal. Important to tangata whenua for its cultural and spiritual values.
Taputeranga Island	Island Bay, as indicated on Planning Map 2H in Appendix 7.	Outstanding natural and landscape feature with regionally significant flora and fauna. Characteristic of importance to tangata whenua.
Te Aroaroa Kupe (Steeple Rock)	Wellington Harbour, approximately 250m offshore from Seatoun, as indicated on Planning Map 2H in Appendix 7.	Characteristic of importance to tangata whenua.
Tarakena Bay	Tarakena Bay, south coast as indicated on Planning Map 2H in Appendix 7.	Important waka landing place.
Turakirae Head	As indicated on Planning Map 2I in Appendix 7.	Of national significance as a geological feature and for wildlife, and a regionally significant seal haulout.
Cape Palliser - Kupe's Sail	As indicated on Planning Map 2K in Appendix 7.	Geological formations of regional significance. Cape Palliser includes a regionally significant seal rookery and a red billed gull breeding colony.
Honeycomb Rock and Kahau Rocks	As indicated on Planning Map 2L in Appendix 7.	Outstanding natural landscape feature. Site of regional significance for indigenous flora and fauna on extensive offshore reef system. Winter haulout for New Zealand fur seals.

Name	Area	Value
Kaiwhata River outlet	As indicated on Planning Map 2L in Appendix 7.	Fossil forest of national significance as an outstanding natural feature.
Whakataki – Mataikona foreshore	As indicated on Planning Map 2N in Appendix 7.	Geological features of regional significance - tongue and groove shore platform at Whakataki, significant habitats for wildlife.

Appendix 4

Features and Buildings of Historic Merit

Name	Location	Structure
Shed 3	Queens Wharf	Building
Shed 5	Queens Wharf	Building
Halswell Lighthouse	Point Halswell	Lighthouse
Point Jerningham Lighthouse	Point Jerningham	Lighthouse
Harbour Board Gates 1899	Queens Wharf	Gates
Seatoun Wharf	Seatoun	Wharf
Island Bay Sea Wall	Island Bay	Sea Wall
Karaka Bay Wharf	Karaka Bay	Wharf
Lyall Bay Sea Wall	Lyall Bay	Sea Wall
Oriental Bay Sea Wall	Oriental Parade	Sea Wall
Evans Bay Sea Wall	Evans Bay	Sea Wall
Boating Jetty	Evans Bay	Jetty
Aberdeen Quay Seawall	Evans Bay	Seawall
Evans Bay Patent Slip and Wharf	Evans Bay Parade	Slip and Wharf
Days Bay Wharf	Days Bay	Wharf
Petone Wharf	Petone foreshore	Wharf
Skerret (George Hamilton Scott Trust) Boatshed	Lowry Bay	Boatshed
Steeple Rock Lighthouse	Harbour entrance	Lighthouse
Former Eastbourne Ferry Terminal	Tug Wharf	Building
Wharves and Wharf Edges shown on Planning Map 4D in Appendix 7	Tug Wharf to Overseas Passenger Terminal	Wharves
Reclamation Edge shown on Planning Map 4D in Appendix 7	Lagoon to Tug Wharf Vicinity	Rock rip-rap
Street Facade of the former Westport Chambers Building, Circa Theatre	Taranaki Wharf	Building

Appendix 5

Mooring Areas

Note: The mooring areas shown on these maps represent the extent of the zone in which vessels must swing. The precise location of swing mooring blocks will need to take this into account.

Planning Map (in Appendix 7)	Location	Mooring Areas
3A	Porirua Harbour – Channel	Onepoto Mooring Area
3B	Porirua Harbour – Inlet	Entrance Channel North Side Mooring Area Entrance Channel South Side Mooring Area Entrance Channel West Side Mooring Area
3C	Porirua Harbour – Pauatahanui Inlet	Browns Bay Mooring Area Shearers Point Mooring Area Ivey Bay Mooring Area Camborne Mooring Area
3D	Lowry Bay	Lowry Bay Mooring Area
3E	Evans Bay	Evans Bay Mooring Area Southern Mooring Area
3F	Island Bay	Island Bay Mooring Area

Appendix 6

Water Quality Guidelines

Introduction

This appendix provides guidelines for granting resource consents and includes the criteria which may be used to assess applications for discharge permits.

The criteria are expressed in terms of receiving water quality rather than the quality of the discharge. Thus, they will generally need to be translated into conditions on a resource consent to take account of factors such as the number and nature of existing discharges. The guidelines shall apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbation that may affect the water body. The consent holder will be responsible for meeting the conditions on their consent.

The guidelines have generally been taken directly from the Act. However, where possible, more explicit criteria have been used.

The phrase “either by itself or in combination with other discharges” is intended to ensure that the guidelines are applied so as to address the cumulative effects of all discharges to the water body.

Guidelines

The following criteria reflect the minimum water quality standards set down in sections 70 and 107 of the Act.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

1. The production of conspicuous oil or grease films, scums or foams, floatable or suspended materials;
2. Any conspicuous change in colour;
3. The emission of objectionable odour;
4. The rendering of fresh water unsuitable for consumption by farm animals;
5. Any significant impact on aquatic life.

The following criteria reflect the water quality required for water which is managed for contact recreation.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

6. All those effects detailed in 1-5 above;
7. The rendering of water unsuitable for bathing by the presence of contaminants;
8. The median bacterial content in samples of water taken over the bathing season to exceed:
 - either 150 faecal coliforms per 100 mL (minimum of five samples taken at regular intervals not exceeding one month, with four out of five samples containing less than 600 faecal coliforms per 100 mL); or
 - 35 enterococci per 100 mL over the bathing season (any individual sample should not exceed 153 enterococci per 100 mL);
9. Undesirable biological growths.

The following criteria reflect the water quality required for water which is managed for shellfish gathering.

After reasonable mixing, the contaminant, either by itself or in combination with other contaminants, is not likely to cause any of the following effects:

10. All those effects detailed in 1-9 above except effect 8 (bacterial content);
11. The natural temperature of the water to be changed by more than 3° Celsius;
12. The concentration of dissolved oxygen to be less than 80 percent of the saturation concentration;
13. The median bacterial content in samples of water taken over the gathering season to exceed 14 MPN faecal coliforms per 100 mL (nine out of ten samples containing less than 42 MPN faecal coliforms per 100 mL);
14. Aquatic organisms to be rendered unsuitable for human consumption by the presence of contaminants.

[Appendix 6A

Port Noise Management Plan

The Port Noise Management Plan, required under general standard 14.1.4B, shall:

- (i) State the objectives of the Management Plan.
- (ii) Identify all significant noise sources from port related activities within the Commercial Port Areas and Lambton Harbour Development Area.
- (iii) Identify the best practical options to ensure the emission of noise does not exceed the noise levels specified in 14.1.4(A)(3).
- (iv) Identify techniques that will be considered to reduce the emission of noise over time and indicate which of these techniques will be adopted to achieve the objectives of the Noise Management Plan.
- (v) Explain how the port company will take noise effects into account in the design and location of new or extended port activities.
- (vi) Identify how the port company will work with independent companies to ensure that transport noise and noise from other activities within the port area will be kept to a minimum practical level.
- (vii) Identify procedures for noise reduction through the port company's staff and contractor training.
- (viii) Provide for the establishment and maintenance of a Port Noise Liaison Committee (the port company may provide for this function within the operation of its Environmental Consultative Committee).
- (ix) List the Port Noise Liaison Committee functions; and the procedures for the recommendations of the Committee to be considered and determined by the port company.
- (x) Detail procedures for receiving and deciding on complaints.
- (xi) Detail procedures for noise monitoring, auditing and reporting.
- (xii) Include procedures for the review and alteration of the Port Noise Management Plan.]

Appendix 6A was inserted by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

The next page to follow is Page 245: Appendix 7

Appendix 7

Planning Maps

Planning Maps 4A and 4B were substituted by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.

Planning Map 4E was inserted by Plan change 1 to the Regional Coastal Plan operative 12 July 2008.