

Extracts from the Regional Coastal Environment Plan showing the Proposed Changes put forward as a response to Submissions as decided by the Hearing Committee

Deletions are shown as strike through and shaded, (e.g. ~~deleted~~). Additions are shown underlined and shaded, (e.g. additions).

From Chapter 8 Method 8.5 Regional Rules for the Coastal Marine Area Erection, Reconstruction, Placement, Alteration, Extension, Removal, or Demolition of Structures fixed in, on, under or over any foreshore or seabed.

Rule 8.1 Permitted Activities

Except as provided for by Rules 8.4 or 8.6, the following activities in, on, under, or over any foreshore or seabed are Permitted Activities:

- (a) The reconstruction, alteration or extension of an Authorised Structure, or any part of an Authorised Structure, within the Operational Area of a Port, provided that:
 - (i) the structure shall be used for purposes directly related to the operation of the port; and
 - (ii) the reconstruction, alteration or extension shall add no more than 30 % to any cross-sectional area of the structure in any twelve month period, and
 - (iii) for a berth, wharf or jetty, its reconstruction, alteration or extension shall add no more than 10% to any cross-sectional area of the berth, wharf or jetty in any twelve month period.
- (b) The reconstruction or alteration of an Authorised Structure, or any part of an Authorised Structure, outside the Operational Area of a Port, provided that:
 - (i) the reconstruction or alteration shall be for the purpose of repairing or maintaining the structure with like materials; and
 - (ii) there shall be no change to the location or external dimensions of the structure as it was originally authorised.
- (c) The reconstruction, alteration, or extension of any existing Network Utility Structure, or any part of any existing Network Utility Structure, including part or all of any constructed material supporting or protecting such structures, provided that:
in any twelve month period, the reconstruction, alteration, or extension shall add no more than five percent to the height, width, length, volume, plan area, or to any cross-sectional area, of the part of the structure that is in the Coastal Marine Area.
- (d) The reconstruction, alteration, extension or replacement of existing telecommunication lines, existing electricity lines, existing radiocommunication facilities, existing electricity facilities, and existing telecommunication facilities;
and
the erection of new radiocommunication facilities and new telecommunication facilities, (but not including the erection of new telecommunication lines or new electricity lines), attached to or placed or mounted on existing Authorised Structures,

provided that:

- (i) equipment buildings associated with these facilities are less than 15 square metres in floor area and no higher than 3.5 metres; and
 - (ii) antennas do not exceed 1.8 metres in diameter or project more than 3.5 metres above their point of attachment; and
 - (iii) the combined height of any free-standing mast or pole, together with any associated antenna and the structure used to attach the antenna to or mount the antenna on the mast or pole, shall not exceed 15 metres above the existing structure on which the mast or pole is mounted.
- (e) The erection or placement of any cable, telecommunications line or pipeline except a pipeline for the conveyance of hazardous substances forming part of a Network Utility System provided that;
- (i) the cable, telecommunications line or pipeline shall be attached to an existing Authorised Structure so that it is partly or totally obscured along all of its length, or buried so that it is subterranean, or for parts that are covered by water at all states of the tide, laid on, in or under the seabed; and
 - (ii) the network utility operator shall advise the Maritime Safety Authority, Environment Canterbury, the Tangata Whenua of the area, the Department of Conservation and the Hydrographic Office of the Royal New Zealand Navy, at least ten working days before work commences.
- (f) The removal or demolition of any structure or part of any structure, by or on behalf of the owner of the structure, provided that:
- (i) all materials removed from the structure or part of the structure, other than materials used in the remaining part of the structure or in other structures, shall be removed from the Coastal Marine Area; and
 - (ii) for wharves, jetties, piled structures or buildings, Environment Canterbury shall be advised in writing at least twenty working days prior to work commencing, if the structure is to be completely removed from the Coastal Marine Area; and
 - (iii) the structure is not listed in Schedule 5.12 as a Protected Recreational, Cultural or Historic Structure.
- (g) Notwithstanding condition (iii) of Rule 8.1 (f), the removal or demolition of the "Screw Piles", beneath the No. 2 Wharf at the Port of Lyttelton, (Structure number 6 in Schedule 5.12) and the removal or demolition of the "Patent Slip" at the Port of Lyttelton (Structure number 11 in Schedule 5.12), provided that:
- (i) Environment Canterbury and the Historic Places Trust shall be advised in writing at least twenty working days prior to work commencing; and,
 - (ii) A professional photographic record of the structure shall be made prior to the removal or demolition of these structures, and any other earlier photographs and plans held by the Lyttelton Port Company shall be collated and copies provided to the Historic Places Trust; and,
 - (iii) In relation to the "Screw Piles", a screw pile, or a number of screw piles, shall be provided to the Historic Places Trust, on request.
- (h) The reconstruction, replacement or alteration, by or on behalf of the owner, of a fixed pile mooring or a pontoon mooring that existed on 2 July 1994, or a fixed pile mooring or a pontoon mooring that has been authorised by a resource consent after 2 July 1994, provided that:

- (i) the mooring is within the Pile Mooring Area of Lyttelton Inner Harbour, Magazine Bay or Diamond Harbour or within the Operational Area of a Port; and
 - (ii) no additional moorings shall be created.
- (i) The placement of a mooring within the Operational Area of a Port by, or on behalf of, a Port Company having an occupation right for that purpose.
 - (j) The reconstruction, alteration or extension of an existing boatshed or its associated launching ramps or rails, provided that;
 - (i) the boatshed shall be constructed only for the storage and maintenance of a vessel and ancillary equipment and not for overnight stays or residential or dwelling purposes; and
 - (ii) after the work is completed, previously available public access within or along the Coastal Marine Area shall be maintained; and
 - (iii) no signs, other than: signs provided for by paragraphs (k) or (l) of this Rule, or signs authorised by a resource consent, or signs of less than 1.5 square metres in total area consisting of the owner's name or an identification number, shall be fixed or painted on the boatshed; and
 - (iv) the reconstruction, alteration or extension shall not cause the parts of the boatshed within the Coastal Marine Area, but not including its associated launching ramps or rails, to have a length greater than eight metres, or a height greater than four metres above the line of mean high water springs; and
 - (v) the reconstruction, alteration or extension shall not increase the width of the boatshed.
 - (k) The erection, reconstruction, placement, alteration or extension of any navigational aid by or on behalf of a port company, a local authority or the Maritime Safety Authority.
 - (l) The erection, reconstruction, placement, alteration or extension of a sign by Public Health Authorities, Port Companies, the Department of Conservation, the Ministry of Fisheries, territorial local authorities or Environment Canterbury; to inform or warn the public not to disturb flora or fauna or historic or cultural sites, or to inform the public of safe behaviour or of threats to their health and safety; provided that the sign shall be removed when the reason for its siting no longer applies.
 - (m) The placement of markers for water based sporting or recreation events, including placement of buoys to outline a course, provided that the markers shall be removed within twenty four hours of the completion of the events.
 - (n) The placement of buoys containing or supporting scientific instruments for measurement or assessment of weather, water temperatures, tidal flows, wave conditions or other characteristics of the water or seabed, provided that the buoys shall not create a hazard to vessels, and shall be removed when the measurements or assessments are completed.
 - (o) The erection, reconstruction, placement or alteration of a mai-mai, provided that:
 - (i) the mai-mai shall have a maximum size of 10 square metres and shall be no higher than 1.5 metres above the line of mean high water springs; and
 - (ii) the mai-mai shall be at least 90 metres from any other mai-mai; and
 - (iii) the mai-mai shall be constructed or covered with natural materials that are found at the site.

- (p) The erection, reconstruction, placement, alteration, or extension of a fence within an Area of Significant Natural Value, provided that:
- (i) the activity shall be carried out by or on behalf of a land occupier, local authority or a government agency having management responsibility for the area; and
 - (ii) the fence shall be for the purpose of protecting natural, historic, cultural or Tangata Whenua values or stock control purposes; and
 - (iii) the fence shall be removed once it is no longer required; and
 - (iv) the public shall be informed of the reasons for, and the term of the restrictions, by signs on site; and
 - (v) Environment Canterbury shall be informed of the reasons for the fence, and the period or periods for which the fence is to be in place, at least ten working days prior to the erection of the fence.
- (q) The reconstruction, alteration or extension of a fence provided that:
- (i) the fence shall continue along the line of an existing fence that is outside the Coastal Marine Area; and
 - (ii) the reconstruction or alteration shall not result in any increased obstruction to previously available public access within or along the Coastal Marine Area; and
 - (iii) a gate or a stile or a similar device shall be provided on the fence to allow walking access along the Coastal Marine Area.
- (r) the placement of a swing mooring in a Swing Mooring Area.
- (s) the removal and placement of a swing mooring by, or on behalf of, the Regional Harbourmaster:
- (i) for navigation safety purposes, or
 - (ii) to remove an abandoned swing mooring, or
 - (iii) to remove or replace a swing mooring that is incorrectly or unlawfully placed.

Interpretation provision for Rule 8.1 (r) and 8.1 (s)

For the purposes of paragraphs (r) and (s) of this rule, the term “placement” is restricted to the activity of placing both a mooring block and its attached tackle on the sea bed that is subject to Section 12 (1) (b) of the Act.

Notes:

- (1) The discharges of any contaminants associated with these activities need to be authorised by resource consents or by a Rule in this plan. Rule 7.1 (e) authorises as a Permitted Activity, the discharge of sediment as a result of any disturbance of foreshore or seabed that is authorised as a Permitted Activity by this Rule.
- (2) In order to be classified as a Permitted Activity under this rule, an activity need only comply with any one of the activity classes set out as 8.1 (a) to (s).
- (3) For the purpose of this rule, “alteration” of a structure includes all alterations involved in the repair, maintenance or upgrade of the structure.
- (4) The placement of a swing mooring in the Coastal Marine Area permitted by Rule 8.1 (r) is required to comply with the current Navigation Safety Bylaws governing such an activity.

Principal Reason

Activities with minor adverse environmental effects, and which take place in areas which already contain development, should be able to proceed without the need for resource consents, but need to fit in with the natural character and the environmental qualities valued by other users.

In this context, the need to maintain the integrity of infrastructure such as network utilities that extend into the Coastal Marine Area and are particularly vulnerable to coastal erosion, such as the State Highway network in Kaikoura and Banks Peninsula Districts, is recognised.

Construction activity carried out within the two port areas of Lyttelton and Timaru, and the placement of shipping aids, should also be allowed, provided that adverse environmental effects are minor, or are avoided, remedied or mitigated.

Rule 8.2 Discretionary Activities for which Discretion is Restricted

~~The placement of a swing mooring, in, on, under, or over any foreshore or seabed, within a Swing Mooring Area, is a Discretionary Activity for which Environment Canterbury has restricted the exercise of its discretion.~~

~~Restriction of Discretion for Rule 8.2~~

~~Environment Canterbury restricts its discretion to the following matters when considering an application for a resource consent in accordance with Rule 8.2 and in imposing conditions in accordance with Section 108 of the Act:~~

- ~~(a) the capacity and efficiency of use of the Swing Mooring Area;~~
- ~~(b) the separation of moored vessels;~~
- ~~(c) the provision of access lanes for vessels to move to and from wharf or shore facilities and open water;~~
- ~~(d) the capability and integrity of the mooring for securing a vessel;~~
- ~~(e) the proper repair and maintenance of mooring blocks and associated tackle;~~
- ~~(f) the identification and marking of the mooring, and the identification of the mooring owner;~~
- ~~(g) the placement and replacement of mooring blocks within the Swing Mooring Area; and~~
- ~~(h) the need to avoid subsurface pipelines, cables and other structures.~~

~~Notification~~

~~In accordance with Section 94D(2) of the Act, an application for a resource consent for placement of a swing mooring that is sought in accordance with Rule 8.2 of this Plan need not be notified in accordance with Section 93 of the Act, and in accordance with Section 94D(3) of the Act notice of such an application does not need to be served.~~

~~Principal Reason~~

~~To encourage swing moorings in areas where such moorings have already been established, recognising the limited capacity of such areas and the need to provide for safety and access for other vessels.~~

Rule 8.5 Non-Complying Activities

The following are Non-Complying Activities in, on, under, or over any foreshore or seabed:

- (a) the placement of a swing mooring, in, on, under, or over any foreshore or seabed, outside a Swing Mooring Area; and**
- (b) the erection or placement of a boatshed, or the erection or placement of launching ramps or rails associated with a boatshed, outside a Boatshed Area; and**
- (c) the erection or placement of a structure within an Area of Significant Natural Value or within an area listed in Schedule 5.13. This shall not apply to:**
 - (i) a structure allowed as a Permitted Activity by Rule 8.1; or**
 - (ii) a structure controlled by Rule 8.2 or Rule 8.6; or**
 - (iii) a marine farm structure that was authorised prior to 16 May 2001; or**
 - (iv) the erection or placement of a structure or structures undertaken for the purpose of maintaining, repairing, or protecting network utility infrastructure.**

Principal Reason

To discourage sporadic development of swing moorings and boatsheds that will detract from the natural character of the coastal environment. To preserve the natural character of the bays and harbours of Banks Peninsula and Areas of Significant Natural Value and their water quality, their use and enjoyment by recreational, tourist or other users, their value as a marine ecosystem and a habitat of marine life and Hector's Dolphins in particular.

Occupation of the Coastal Marine Area.

Rule 8.23 Permitted Activities

The following activities are Permitted Activities:

- (a) The occupation of the Coastal Marine Area for the purpose of carrying out the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure that is authorised as a Permitted Activity in accordance with Rule 8.1, or by a resource consent, while that erection, reconstruction, placement, alteration, extension, removal or demolition is occurring, provided that Environment Canterbury is informed in writing of the nature of the activity, the structure and the occupation, at least ten working days before the occupation of the Coastal Marine Area for the activity commences.
- (b) The occupation of additional parts of the Coastal Marine Area as a result of the erection, reconstruction, placement, alteration, or extension, of a structure where that activity is authorised as a Permitted Activity in accordance with Rule 8.1, provided that Environment Canterbury is informed in writing of the nature of the changes to the structure and the occupation, at least ten working days before the erection, reconstruction, placement, alteration, or extension commences.
- (c) The temporary occupation of the Coastal Marine Area, for the purpose of conducting a sporting event such as a boat race or a beach horse race, where this requires the temporary exclusion of other persons to ensure their safety, provided that:

 - (i) the occupation shall not be for more than eight consecutive hours in any twelve month period and not for more than five occasions in any twelve month period; and
 - (ii) Environment Canterbury and the relevant Territorial Local Authority shall be informed in writing of the periods of occupation at least ten working days before the occupation of the Coastal Marine Area by the activity is to commence; and
 - (iii) the occupation shall not take place within an Area of Significant Natural Value; and
 - (iv) a notice of the event shall be published in a newspaper circulating in the area between six and ten working days prior to the event and notices shall be prominently displayed on notice boards on the shore adjacent to the event or at the nearest boat ramps for at least eight working days immediately prior to the event; and
 - (v) for any event on a beach, barriers and markers shall be erected and patrolled by event marshals to protect the safety of non-participants while the event is being conducted; and
 - (vi) for any motorised boat race, the boundaries of the race course shall be patrolled by event marshals in motorised patrol vessels to warn operators of other vessels of the potential danger of collisions; and
 - (vii) all equipment used for the event, and any debris or other material left in the Coastal Marine Area by participants or spectators as a result of the event, shall be removed from the Coastal Marine Area;

Military Training

(d) The occupation of the Coastal Marine Area by the New Zealand Defence Force in the Weapons Range/Danger Area NZD 820, located to the north and east of Le Bons Bay, Banks Peninsula, defined in Schedule 5; for the carrying out of permanent and temporary military training activities requiring exclusive occupation including, but not limited to, surface to air and surface to surface weapon firing, and ship exercises provided that the activity is undertaken for defence purposes.

(e) the occupation of the Coastal Marine Area by a swing mooring placed within a Swing Mooring Area and the occupation of the Coastal Marine Area by a vessel attached to such a swing mooring where the occupation;

(f) The occupation of the Coastal Marine Area for the mooring or anchoring of vessels or other floating objects provided that:

- i) occurs within the area covered by a section 384A deemed coastal permit and is reasonably necessary for a port operations; or
- ii) is temporary and is for a purpose other than the storage of a vessel, such as loading, unloading, refuelling a vessel or other similar purpose for which it is reasonably necessary to moor or anchor a vessel or other floating object temporarily; or
- iii) is necessary to protect the health or safety of persons or the safety of the vessel from an immediate and unforeseen threat or danger; or
- iv) is necessary to secure a marker, beacon, buoy or other floating navigation aid or temporary race mark buoy; or
- v) is consequential to the placement of a mooring as a permitted activity pursuant to Rule 8.1, or through a resource consent to place the mooring; or
- vi) is for a period and in a manner that falls within the normal scope of navigation; or

(g) The occupation of the Coastal Marine Area by a structure that is a Lawfully Established Structure on the date that this part of the rule becomes operative, provided that:

- 1. the structure is in a good repair and does not constitute a safety hazard; and
- 2. the structure is in use and has not been abandoned; and
- 3. Environment Canterbury is provided with a plan in sufficient detail to show the location of the structure and the area of the Coastal Marine Area that it occupies, and evidence that the structure is a Lawfully Established Structure;
- 4. public access within and along the Coastal Marine Area is maintained.

Exclusive Occupancy

The occupation of the Coastal Marine Area by a boatshed or by a clubhouse that are in either case permitted by this rule explicitly includes the right of the owner of the structure to exclude persons from the interior of those buildings

Notes

- (1) Rule 8.23 (a) does not authorise the occupation of the Coastal Marine Area taken up by the structure itself, such occupation needs to be authorised by another rule in this part of the plan, or by a resource consent for occupation of the Coastal Marine Area.
- (2) Rule 8.23 (b) authorises, as a Permitted Activity, the occupation of new parts of the Coastal Marine Area taken up by some specific structures such as navigation aids, markers, signs, buoys, mai mais, fences, cables, telecommunications lines, pipelines, moorings, and radiocommunication and telecommunication facilities, where their erection or placement is authorised by Rule 8.1.
- (3) Rule 8.23 (b) also authorises, as a Permitted Activity, the occupation of the additional parts of the Coastal Marine Area that are taken up as a result of the reconstruction, alteration, extension or replacement of an existing structure, where this reconstruction, alteration, extension or replacement is authorised by Rule 8.1. However, the occupation of the Coastal Marine Area that is taken up by the originally existing structure needs to be separately authorised by another rule in this part of the plan, or by a resource consent for occupation of the Coastal Marine Area.
- (4) The use of a swing mooring permitted to occupy the Coastal Marine Area by Rule 8.23 (e) is required to be in compliance with current Navigation Safety Bylaws governing such an activity.

Principal Reason

A number of activities requiring exclusive occupation of the Coastal Marine Area are limited in time and/or effect or, in the case of military training, are restricted to defined water areas, they should be able to proceed without the need for a resource consent, subject to reasonable conditions.

Rule 8.24 Discretionary Activities

Except as provided for by Rules 8.23, 8.24B, 8.25 or 8.26; the occupation of the Coastal Marine Area is a Discretionary Activity.

Rule 8.24B Non-Complying Activities

Except as permitted by Rule 23, the occupation of the Coastal Marine Area for mooring or anchoring of vessels or other floating objects is a Non-Complying Activity

Principal Reason

To ensure that vessels or other objects are not moored by way of anchors or other means so as to create a de facto swing mooring that would be contrary to Policy 8.13.

Appendix 1 Definition of Terms

Authorised Structure

Means:

~~a structure, the erection and placement of which has been authorised:~~

- ~~(a) — as a Permitted Activity by a Rule in this plan; or~~
- ~~(b) — by a resource consent issued in accordance with the rules in this plan; or~~
- ~~(c) — by a resource consent issued prior to 2 July 1994; or~~
- ~~(d) — by a permission, licence, permit or authority deemed to be a coastal permit by Section 384 of the Resource Management Act 1991; or~~

~~a swing mooring that was erected or placed, or occupied the Coastal Marine Area, through a permission, licence, permit or authority issued under Bylaws made under Part VI of the Harbours Act 1950 prior to 1 October 1991, and where the permission, licence, permit or authority remained current on 1 October 1991; or~~

~~a structure that is part of a marine farm for which a lease or licence was granted under the Marine Farming Act 1971 for the marine farm, including the structure, prior to 1 October 1991, and where the lease or licence remained current on 1 October 1991.~~

Means a Lawfully Established Structure that is expressly allowed to occupy the Coastal Marine Area by:

- (a) a rule in a regional coastal plan and any proposed regional coastal plan; or
- (b) a resource consent; or
- (c) the Act.

Lawfully Established Structure

Means:

- (a) a structure, the erection and placement of which has been authorised:
 - (i) as a Permitted Activity by a rule in this plan; or
 - (ii) by a resource consent issued in accordance with the rules in this plan; or
 - (iii) by a resource consent issued prior to 2 July 1994; or
 - (iv) by a permission, licence, permit or authority deemed to be a coastal permit by Section 384 of the Act;or
- (b) a swing mooring that was erected or placed, or occupied the Coastal Marine Area, through a permission, licence, permit or authority issued under Bylaws made under Part VI of the Harbours Act 1950 prior to 1 October 1991, and where the permission, licence, permit or authority remained current on 1 October 1991; or
- (c) a structure that is part of a marine farm for which a lease or licence was granted under the Marine Farming Act 1971 for the marine farm, including the structure, prior to 1 October 1991, and where the lease or licence remained current on 1 October 1991; or
- (d) a structure for which evidence is provided that the structure has been in place in the Coastal Marine Area for more than 50 years prior to the date that the Plan Change becomes operative.

Clubhouse

Means:

Enclosed premises in the Coastal Marine Area that are used for club activities associated with boating and marine activities in the adjacent waters of the CMA.