

Canterbury Regional Coastal Environment Plan

Plan Changes 1 and 2

Operative August 2011



Everything is connected

**Plan Changes 1
and 2 to Chapter 8
to the Regional
Coastal
Environment Plan
for the Canterbury
Region**

OPERATIVE

20th August 2011

Report No. R11/40

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

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

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

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



Bill Bayfield
Chief Executive
Canterbury Regional Council



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

28 July 2011

The Regional Coastal Environment Plan: Plan Changes 1 and 2 to Chapter 8 as Approved by the Minister of Conservation

Additions to the Plan are shown as underlined. Deletions are shown as crossed out.

Add to Rule 8.1 Permitted Activities

(r) The placement of a swing mooring in a Swing Mooring Area.

(s) The removal or placement of a swing mooring by, or on behalf of, the Regional Harbourmaster:

(i) for navigation safety purposes; or

(ii) to remove an abandoned swing mooring; or

(iii) to remove or replace a swing mooring that is incorrectly or unlawfully placed.

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

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

Delete Existing Rule 8.2 Discretionary Activities. Renumber all subsequent Rules .

~~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.~~

Additions are made to Rule 8.23 (**now** Rule 8.22) as follows:

Occupation of the Coastal Marine Area.

Rule 8.22	Permitted Activities
(d)	<p>The occupation of the Coastal Marine Area for the mooring or anchoring of vessels or other floating objects provided that the occupation:</p> <ul style="list-style-type: none"> i) occurs within the Operational Area of a Port and is reasonably necessary for a port operation; or ii) is necessary to secure a marker, beacon, buoy or other floating navigational aid or temporary race mark buoy; or iii) is consequential to the placement of a mooring as a permitted activity pursuant to Rule 8.1, or through a resource consent to place the mooring.
(e)	<p>The occupation of the Coastal Marine Area by a structure that was lawfully established on the date that this part of the rule becomes operative, provided that:</p> <ul style="list-style-type: none"> 1. the structure is in good repair and does not constitute a safety hazard; and 2. the structure is in use and has not been abandoned; and 3. Environment Canterbury is provided with a plan in sufficient detail to show the location of the structure and the area of the Coastal Marine Area that it occupies; and

4. public access within and along the Coastal Marine Area is maintained; and
5. conditions 1, 2, and 4 do not apply to any structures within a Port Operational Area.

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 owners of the structure to exclude persons from the interior of these buildings.”

In Appendix 1 Definition of Terms

Amend the definition of **Authorised Structure** as follows:

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

- (a) a structure, the erection and placement of which has been authorised:
 - (i) as a Permitted Activity by a rule in this plan; or
 - (ii) by a resource consent issued in accordance with the rules in this plan; or
 - (iii) by a resource consent issued prior to 2 July 1994; or
 - (iv) by a permission, licence, permit or authority deemed to be a coastal permit by Section 384 of the Act;or
- (b) a swing mooring that was erected or placed, or occupied the Coastal Marine Area, through a permission, licence, permit or authority issued under Bylaws made under Part VI of the Harbours Act 1950 prior to 1 October 1991, and where the permission, licence, permit or authority remained current on 1 October 1991; or
- (c) a structure that is part of a marine farm for which a lease or licence was granted under the Marine Farming Act 1971 for the marine farm, including the structure, prior to 1 October 1991, and where the lease or licence remained current on 1 October 1991; or
- (d) a structure for which a plan is provided in sufficient detail to show the location of the structure and the area of the Coastal Marine Area that it occupies.
- (e) all structures in Port Operational Areas erected prior to the enactment of the Resource Management Act 1991.

Clubhouse

Means:

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

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*Promoting quality of life through
balanced resource management*

www.ecan.govt.nz

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