

4.2. COASTAL RESOURCE AREA

4.2.1. OVERVIEW

Section 6 of the Act identifies a number of matters of national importance that are directly relevant to the Coast. These are as follows:

- the preservation of the natural character of the coastal environment (including the coastal marine area) and the protection of it from inappropriate subdivision, use and development (s6(a)).
- the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (s6(b)).
- the maintenance and enhancement of public access to and along the coastal marine area (s6(d)).

The two remaining matters of section 6 are also relevant to the coast in the context of the Clutha District. The coast contains large areas of significant indigenous vegetation and is also home to the majority of the district's indigenous fauna such as yellow eyed penguins, fur seals, and Hooker sea lions (s6(c)). Furthermore, the Districts coastline also has great significance to Maori (s6(e)).

In recognising its duty under the Act, Council has provided for the coast in a specific Resource Area. A brief description of the coast appears in Section 2.8 of the Plan.

In defining the Coastal Resource Area, Council has attempted to identify an area within which land use activities will or may potentially have an effect on the coastal environment. Identifying the resource area on the planning maps posed the same problems that existed under the zoning system of the Town and Country Planning Act, where zone boundaries were related to cadastral boundaries but were not readily apparent on the ground.

For the purposes of certainty, Council has adopted an approach that defines the Coastal Resource Area boundary approximately 500 metres from the mean high-water springs mark. This, however, will deviate in the following circumstances:

- i. where the 500 metres is close to a cadastral boundary or notable physical feature, then that boundary or feature has been adopted;
- ii. where a topographical pattern lends itself to the coastal margin, for example a low-lying swampy coastal strip, then that feature has been adopted as the boundary.

Adjoining the Coastal Resource Area is the coastal marine area within which the Otago Regional Council (in conjunction with the Minister of Conservation) has control. The coastal marine area is defined as:

"... the area of foreshore, seabed, and coastal water, and the air space above the water -

(a) Of which the seaward boundary is the outer limits of the territorial sea:

(b) Of which the landward boundary is the line of mean high-water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:

(i) One kilometre upstream from the mouth of the river; or

- (ii) *The point upstream that is calculated by multiplying the width of the river mouth by 5.*

(Section 2 of the Resource Management Act)"

The landward boundary that crosses the rivers of the District has been agreed upon between Council and the Otago Regional Council and has been identified on the Planning Maps.

By virtue of section 64 of the Act the Regional Council is required to prepare a **Coastal Plan** to provide a framework for the integrated and sustainable management of Otago's coastal marine area. At the time of writing this plan, the **Coastal Plan** for Otago had been notified and Council has attempted to ensure consistency between this plan and the **Coastal Plan** as is required by the Act.

Also of significance to the coast and to this Plan are the following:

- The **New Zealand Coastal Policy Statement** prepared by the Minister of Conservation, which sets out the broad framework for the management of the coastal environment, not just the coastal marine area.
- The **Regional Policy Statement** prepared by the Otago Regional Council, which takes into account the matters within the New Zealand Coastal Policy Statement, and provides the specific policy framework for the management of the coast within the Otago Region, and therefore the Regional Coast Plan.

With respect to the coastal environment Council must therefore develop and maintain a close relationship with both the Department of Conservation and the Otago Regional Council.

4.2.2. THE ISSUES

The following are seen as the significant issues relating to the Coastal Resource Area:

- **The possibility of sea level rise, and its effect on low lying communities and facilities.**

Explanation

A number of sites within the district may be susceptible to sea level rise. The Royal Society of New Zealand 1990 report on climate change noted that sea level rise in New Zealand Ports since 1889 has averaged 16.7 (+ or - 2.3) cm/century, and has predicted that sea levels are likely to rise between 7 and 17cm by the year 2025 and between 17 and 35cm by the year 2050. What level Council should be planning for is yet to be determined as it has been promoted to Central Government that a national standard be set.

- **Land use and development can degrade indigenous flora and wildlife habitat.**

Explanation

A number of significant wildlife habitats are located along the Districts coastline. Several of these are home to rare and endangered species. These habitats are increasingly under threat from degradation by adjoining land uses and development.

- **Land use and development can degrade the quality of estuarine and coastal water.**

Explanation

Land uses adjacent to both the estuary itself and the water bodies feeding estuaries can significantly affect quality through pollution, siltation and flow changes. As these water bodies are significant habitats, nurseries and recreation areas, these effects must be mitigated.

- **The District's coastline contains a number of outstanding landscapes and natural features, and areas where natural character is largely uncompromised. These areas can be adversely affected by inappropriate use and development. This can include clearance of vegetation, exotic tree plantings, residential activities and excavation activities.**

Explanation

The District's coastline is one of its major attractions. The largely unspoilt nature of the majority of the coast can be adversely affected by numerous activities and in some areas the threat is very real. The natural character and outstanding natural features and landscapes of the coast require specific consideration and protection by virtue of section 6(a) and (b) of the Act.

- **Lack of recognition in the past of the significance the coast has to Maori.**

Explanation

The Coastal area represents various cultural, ancestral and traditional values to Maori. These have not always been recognised in the past. Kai Tahu are Kaitiaki of the coastal area.

(See Schedule 6.10 regarding issues from the Ngai Tahu Settlement Act 1998).

- **While erosion in the coastal area is generally a natural process, some activities can accelerate that natural process or cause erosion where it would not otherwise occur.**

Explanation

Natural physical coastal processes such as tide and current movement can cause erosion of the coastline. However, activities such as trail bike riding, tramping and overgrazing of stock (particularly cattle) can accelerate or cause erosion in the more sensitive areas of the coastal margin.

- **There is the possibility that activities or processes in the Coastal Resource Area can adversely affect areas and activities in the Coastal Marine Area particularly in matters of water quality, emission of noise, marine mammal and bird habitat, natural coastal processes, and the effects on natural character.**

Explanation

While the control and management of the Coastal Resource Area is the responsibility of Council, the control and management of the coastal marine area is the responsibility of the Otago Regional Council in conjunction with the Minister of Conservation. Recognition that activities may transfer actual or potential effects between the two areas is required in order to sustainably manage the District's coastal environment. Establishing processes between local authorities in order to deal with any cross boundary issues that may arise is required.

- **Public access to and along the margins of the Districts waterbodies is important to both residents of the District and the region however it is often restricted. In some instances, however, public access (particularly vehicular access) needs to be restricted to avoid or mitigate adverse effects on natural and physical resources (e.g. disturbance of sealions at Cannibal and Surat Bays).**

Explanation

The District's coastline is a well-used recreational asset and access to and along the coast is very important to the public at large. There are areas in the District where access to and along the coast is restricted. Development adjacent to the coast has the potential to further reduce public access. Section 6 of the Act requires that public access to and along waterbodies be maintained and enhanced as a matter of national importance. However, there are circumstances where public access may need to be restricted. In the context of the Clutha District, this needs to be considered with respect to vehicular access in Cannibal and Surat Bay, which is having an adverse effect on sealions in the area.

4.2.3. OBJECTIVES AND POLICIES

The majority of issues in the Coastal Resource Area are similar to those issues in the Rural Resource Area (e.g. effects on water quality) and differ only on a number of areas unique to the coast. Consequently, the objectives and policies of the Rural Resource Area also apply to the Coastal Resource Area except as otherwise provided in this section. The following objectives and policies are specific to the coast.

OBJECTIVE COA.1

To preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development.

(Refer Policy COA.1 to 11)

OBJECTIVE COA.2

To recognise the importance of coastal resources to Maori.

(Refer Policy COA.5)

OBJECTIVE COA.3

To avoid or mitigate the adverse effects that natural hazards and in particular sea level rise may have on the natural and physical resources of the District.

(Refer Section 3.9 Natural Hazards)

OBJECTIVE COA.4

To protect the outstanding natural features and landscapes of the Districts coastline from inappropriate subdivision, use and development.

(Refer Policy COA 1, 2, 6 and 8 to 11)

OBJECTIVE COA.5

To maintain and enhance public access to and along the District coastline, only restricting such access in accordance with the New Zealand Coastal Policy Statement.

(Refer Policy COA.6 and 7)

POLICY COA.1

To ensure the subdivision, use and development of the coast and in particular, buildings and structures avoids, remedies, or mitigates any adverse effects on:

- **natural character values**
- **outstanding natural features and landscapes**
- **amenity values of the coast**
- **the safety of the public**
- **the enjoyment of the coast by the public**

Explanation

Buildings, structures and other development can have a significant effect on the public's enjoyment of the coast through adversely affecting amenity values. Council will ensure these effects are avoided, remedied or mitigated. This policy gives effect to Policy 3.1.1 of the NZ Coastal Policy Statement.

(Refer Rule COA.4)

POLICY COA.2

To manage the subdivision, use and development of the Coastal Resource Area to ensure adverse effects are avoided as far as practicable and that where complete avoidance is not practicable, that adverse effects are mitigated or provision is made for remedying those effects.

Explanation

Section 6(a) of the Act requires Council as a matter of national importance to protect the coastal environment from inappropriate subdivision, use and development. Policy 3.2.3 of the New Zealand Coastal Policy Statements requires that adverse effects of subdivision, use and development in the coastal environment be avoided as far as practicable. Where complete avoidance is not practicable, the policy requires that adverse effects be mitigated and provision be made for remedying those effects. This policy was developed to ensure consistency with the NZ Coastal Policy Statement.

(Refer Rule COA.1 to 7)

POLICY COA.3

To ensure that the adverse effects that activities can have on:

- **areas of indigenous vegetation and**
- **areas of indigenous fauna habitat and**
- **estuaries, wetlands, waterbodies and their margins and sand dunes**

within the coastal resource area are avoided, remedied or mitigated.

Explanation

A number of significant wildlife habitats exist along the Districts coastline (e.g. yellow eyed penguin breeding areas, Nugget Point seal and sealion colony) and along with the remaining areas of native vegetation, the many estuaries, wetlands and waterbodies, and the dune systems, they create the natural character of the coast. To give effect to the NZ Coastal Policy Statement, activities carried out within the Coastal Resource Area must avoid, remedy or mitigate any adverse effects on these landforms and habitats.

(Refer to Rule COA.6 and 7 and Rule RRA.8 and RRA.13)

POLICY COA.4

To ensure that the subdivision, use and development of the Coastal Resource Area avoids, as far as practicable, the adverse effects of sea level rise by adopting the best available international estimate of sea level rise.

Explanation

The possibility of sea level rise must be taken into account when development takes place in the Coastal Resource Area.

(Refer Rule COA.4)

POLICY COA.5

To consult and work with

- **the Department of Conservation**
- **the Otago Regional Council**
- **manawhenua**
- **affected landowners**

in resource management issues of the Coastal Resource Area.

Explanation

The Act imposes duties on both the Minister of Conservation and the Regional Council in respect of the Coast. It is important that a consistent approach is adopted. The Department of Conservation is the Minister of Conservation's agent in respect of the Conservation Act and has a role in advocating sustainable management under the Resource Management Act.

Maori have had a long association with the Coast that extends well beyond that of European experience. The Coast and its resources were necessary to Maori existence, with aspects of the coastal area representing various cultural, ancestral and traditional values. Decisions on resource management issues in the coast need to reflect this.

(Refer Rule COA.2 and Method COA.3)

POLICY COA.6

To maintain and enhance public access to and along the coast while ensuring adverse effects on

- **natural character**
- **cultural values**
- **wildlife**
- **dunes, wetlands, and indigenous vegetation ecosystems**

are avoided, remedied or mitigated

Explanation

Policies 3.5.1 to 3.5.4 of the NZ Coastal Policy Statement provide for public access to the Coast, and recognise the importance of maintaining and enhancing such access. This policy will ensure that such access is protected while minimising adverse effects on the coastal environment.

(Refer Rule FIN.8 and Method COA.2)

POLICY COA .7

To restrict public access, only where such a restriction is necessary

- **to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, particularly from the effects of vehicles**
- **to protect Maori cultural values;**
- **to protect public health or safety**

to ensure a level of security consistent with the purpose of a resource consent; or

Explanation

This policy reflects Policy 3.5.1 of the New Zealand Coastal Policy Statement. The most significant issues locally are the effect vehicles are having on sea lions in the Cannibal Bay and Surat Bay locality, and on the Districts sand dunes causing coastal erosion and loss of natural character.

(Refer Rule FIN.8 and Method COA.2)

POLICY COA.8

To provide for intensive residential development in existing coastal settlements only, while recognising and providing for the adverse effects of dynamic coastal processes.

POLICY COA.9

To provide for recreational use of the coastal area while ensuring adverse effects on ecosystems, natural character and cultural values are avoided, remedied or mitigated.

POLICY COA.10

To control the erection of buildings in the coastal area to ensure adverse effects on natural character are avoided, remedied or mitigated.

Explanation

These policies accommodate Policy 3.2.1 of the New Zealand Coastal Policy Statement, which requires that Plans define what form of subdivision, use, and development would be appropriate in the coastal environment, and where it would be appropriate.

Policy COA.8 restricts intensive residential development to existing coastal settlements. These settlements have been specifically provided for, being identified as either Urban or Rural Settlement areas.

Policy COA.9 allows for appropriate recreational use of the coast, while Policy COA.10 allows for a limited number of buildings in the coastal area to provide for the continuance of farming and recreation activities provided adverse effects are minimal.

(Refer Rural Settlement and Urban Resource Areas, and Rule COA.4)

POLICY COA.11

To preserve the areas of the Coastal Resource Area where natural character is largely uncompromised through restricting, to the extent practicable, subdivision, use and development to areas where natural character is already compromised.

Explanation

Section 6(a) of the Act requires Council as a matter of national importance to preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development. Policy 1.1.1 of the New Zealand Coastal Policy Statement states that it is a national priority to preserve the natural character of the coastal environment by encouraging appropriate subdivision, use or development in areas where natural character has already been compromised and avoiding sprawling or sporadic subdivision use or development in the coastal resource area. This policy should achieve that priority.

(Refer Rule COA.1 to 7)

4.2.4. RULES

RULE COA.1 OTHER APPLICABLE RULES

Any activity undertaken within the Coastal Resource Area shall take place in accordance with the Rules of both Section 3 General Section and the Section 4.1 Rural Resource Area of this Plan unless this section provides otherwise.

Note: in particular Sections 3.5 Heritage and 3.6 Water

RULE COA.2 CONSULTATION

Any person making an application for a Resource Consent and Council, in considering any Resource Consent application, shall consult with the Runanga that has kaitiaki in that particular area, and where relevant, the Department of Conservation and the Regional Council.

(Refer also Method MAO.2)

REASON

Consultation with Iwi is a requirement of the Act. This is particularly important in the Coastal Area which is of great significance to the Manawhenua. Where considered necessary consultation will also be carried out with DOC and the Regional Council.

RULE COA.3 PAKAHIKA HOUSING

Multi-unit Pakaika housing is a controlled activity and will be assessed in accordance with the Standards, terms and controls set out in Rule MAO.4.

REASON

The New Zealand Coastal Policy Statement requires Council to make provision for pakaika housing (multi-unit residential occupancy on ancestral land owned by Maori).

RULE COA.4 BUILDINGS AND STRUCTURES

- (a) Any building or structure permitted under Rule RRA.2 that complies with Rule RRA.12 is a controlled activity. Council shall exercise control over the design and specific location of such structures in terms of their impact on amenity values of the Coastal Resource Area.
- (b) Except as otherwise provided for in (a) above and Rule COA.3, any activity that has the effect of erecting a building or structure shall be a restricted discretionary activity. Council shall restrict the exercise of its discretion to the following aspects:
- the ability of the site to dispose of wastes adequately
 - the effects of sea level rise or coastal erosion
 - the effect of the building and any associated signage on the natural character of the Coast particularly in terms of visual impact
 - the effect of the proposal on the intensity of development in the area
 - the effect of the building or structure on indigenous flora and fauna
 - the effect on cultural values
 - height, yard and open space requirements.
- (c) Any application or resource consent under (a) and (b) of this rule will generally not be notified or require written approval of affected persons.
- (d) For the purpose of this rule, structure does not include fences.

REASON

The erection and density of buildings and structures in a coastal environment (excluding coastal urban areas) can have significant impact on the natural character. In order to minimise these effects and protect the natural character where practicable restricted discretionary activity status is seen as the most appropriate control. Those buildings provided for under (a) above (e.g. hay barns etc) have been given controlled activity status as they are not subject to market forces and are often site specific.

RULE COA.5 SUBDIVISION (SEE RULE SUB.2)

Subdivision in the Coastal Resource Area shall be a discretionary activity.

Assessment Criteria - not part of the rule

In assessing any application under this rule, Council in addition to those matters set out in Section 104 of the Act shall also consider the criteria of Section 3.7 Subdivision, Rule SUB.1(d) and Rule SUB.4, the objectives and policies of the Coastal Resource Area and the Regional Policy Statement, Regional Coast Plan and the New Zealand Coastal Policy Statement.

REASON

While subdivision itself cannot be considered a land use as such, it is generally the forerunner of intensive development and often leads to pressure on Council to extend services or to consider an inappropriate activity at a later date. Discretionary status enables Council to refuse consent to subdivision that has potential cumulative effects that are not compatible with the natural character of the coast.

RULE COA.6 INDIGENOUS VEGETATION AND HABITATS OF INDIGENOUS FAUNA

Except in accordance with the exceptions listed below, the clearance, modification or destruction of indigenous vegetation or the modification of any wetland or sand dune shall be a discretionary activity.

The following exceptions shall apply to this rule:

- (i) The clearance, modification or harvesting of indigenous vegetation which:
 - (a) has been planted and managed specifically for the purpose of harvesting or clearing; or
 - (b) is reasonably necessary to enable the management, harvesting or replanting of any area of planted indigenous or exotic vegetation; or
 - (c) has been planted and/or managed as part of a garden or gardens or has been planted for amenity purposes;
 - (d) except on land which is Esplanade Reserve, Existing Crown Land Margin, Riverbank Reserve or unformed Legal Road adjoining a river or stream.
- (ii) The clearance, modification or destruction of indigenous vegetation which has regrown naturally on land which was lawfully cleared of vegetation or has been utilised as production land as defined in the Act since 1 January 2000 except on land which is Esplanade Reserve, Existing Crown Land Margin, Riverbank Reserve or unformed Legal Road adjoining a river or stream.
- (iii) The clearance, modification or destruction of indigenous vegetation necessary for the operation and/or maintenance of:
 - Existing farm tracks; existing fire breaks; and existing fence lines;
 - Existing utilities and infrastructure;
 - Existing high voltage transmission lines;

but excluding the expansion or upgrading of these activities except where otherwise permitted by this Plan.

- (iv) The clearance, modification or destruction of indigenous vegetation for the purposes of maintaining existing formed roads and other existing transportation networks, and for traffic, marine or aviation safety (including the maintenance of related signs and navigational structures) and which is undertaken by or on behalf of the authority responsible for maintaining that safety, but excluding the expansion or upgrading of these activities except where otherwise permitted by this Plan.
- (v) The removal of wind thrown trees or dead standing trees which have died as a result of natural causes and present a direct threat to safety of people or property.
- (vi) The clearance, modification or removal of exotic and/or defined plant pests species undertaken for the purpose of maintaining or enhancing the existing state of the remaining indigenous vegetation.
- (vii) The clearance, modification or removal of indigenous vegetation that is consistent with a reserve management plan approved under the Reserves Act or is consistent with an approved conservation management strategy.

Subject to compliance with the following rules and conditions:

- (a) Rule RRA.8 and Rule RRA.9;
- (b) Rule WAT.4.

Note: Rule RRA.13 does not apply in the Coastal Resource Area.

RULE COA.7 AREAS OF SIGNIFICANT NATURAL CHARACTER (REFER PLANNING MAPS)

In those areas identified on the Planning Maps as having significant natural character, the following activities are discretionary activities;

- forestry
- excavation of land, including roading, cut and fill batters, quarrying and mining activities

REASON

While forestry need not be a negative landscape element, this rule recognises that the location and design of forestry plantings must be carefully planned to avoid adverse effects that forestry could have on the natural character of the coastal environment.

Excavation required for roading and tracks can create intrusive unnatural lines on the landscape if they cut across the natural landform. Quarries and mines obviously have major landscape impact given their nature and the scale of some operations. Requiring resource consent for these activities will allow conditions to be imposed that avoid, remedy or mitigate adverse effects.

4.2.5. OTHER METHODS

METHOD COA.1 MONITORING

To assess the effectiveness of those policies and rules Council shall;

- analyse the location, number and type of building consents

- analyse the nature of resource consent applications received and granted

REASON

Council needs to establish that the approach taken in this Plan is promoting the sustainable management of the coastal environment.

METHOD COA.2 PUBLIC ACCESS

To identify those areas of the District's coast where;

- (i) public access needs to be maintained and enhanced, and
- (ii) public access, particularly vehicular access, needs to be restricted or modified, and to investigate the means by which these matters can be provided for.

REASON

This method will enable Council to fulfil its duty under both the Act and the New Zealand Coastal Policy Statement regarding the issue of public access to the coast.

METHOD COA.3 CROSS BOUNDARY PROCESSES

- (i) To hold joint hearings, where appropriate, with the Otago Regional Council when considering applications for resource consents that may have applications for the coastal marine area.
- (ii) To liaise with the Otago Regional Council and/or adjacent District Councils over:
 - (a) Issues of concern that cross the line of mean high-water springs; and/or
 - (b) Issues of concern that cross territorial boundaries.

REASON

The holding of joint hearings with the Regional Council ensures that the effects of the activity, both within the coastal marine area and on any adjacent land areas, is taken into account. Liaising with the Regional Council and adjacent district and city councils allows for the identification and resolution of issues that cross the line of mean high-water springs, and which require a coordinated response.

4.2.6. ANTICIPATED ENVIRONMENTAL RESULTS

1. Protection of significant indigenous flora and fauna.
2. Preservation of the natural character of the coast where practicable.
3. Recognition and protection of sites of cultural importance.
4. Protection of the coasts outstanding natural features and landscapes from inappropriate subdivision, use and development.
5. Maintenance and enhancement of public access to the coast.