

# 13

# coastal marine area

## CMd Description

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### CMd1 Introduction

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**CMd1.i** The Coastal Marine Area is the area of coastal water, stretching 52km in length from the eastern Waimea Inlet to Cape Soucis, generally being the area from mean high water springs out to the 12 mile limit of the territorial sea. The boundaries are shown on the Planning Maps. Within this area, there is a diverse range of land forms and habitats, including estuaries, sandy beaches, boulder banks, spits, sand dunes, salt marshes, sea cliffs, coastal wetlands, and coastal vegetation. There are also many resources significant to Nelson, including recreation areas, cultural sites, coastal fisheries, and estuarine and coastal habitats.



**CMd1.ii** The coastal environment includes the Coastal Marine Area, as well as areas of land above mean high water springs. The land portion of the coastal environment is not dealt with in this Chapter, but as an overlay on the relevant zones. The objectives and policies regarding the Coastal Environment Overlay are in Chapter 5. The rules relevant to the overlay are integrated into the various zone rules.

**CMd1.iii** The objectives and policies in this Chapter apply to the Coastal Marine Area and they are to be taken into account in regard to activities in the coastal environment that affect the Coastal Marine Area. The rules in this Chapter regulate activities in the Coastal Marine Area only.

**CMd1.iv** The coastal environment is valued by Nelsonians and visitors alike for its diversity, beauty, productivity, recreational opportunities, cultural, and spiritual associations. For descriptive purposes, Nelson's coastal environment can be divided into five units - primarily on the basis of geomorphological and ecological considerations:

**CMd1.1** *Eastern Waimea Inlet and Tahunanui Beach*

**CMd1.1.i** The Waimea Inlet (3,455ha) is the largest enclosed estuary in the South Island, providing sheltered inter-tidal habitat for a diverse range of plant, invertebrate fish and bird life. Nelson Haven is of national significance for wildlife conservation. The Inlet is used for a range of recreational activities including boating, fishing, swimming, water skiing, duck shooting and walking. The margins of the Inlet have been modified by drainage and reclamation.

**CMd1.1.ii** Tahunanui Beach, at the mouth of the Inlet, is Nelson's main bathing beach.

**CMd1.1.iii** Approximately one third of Waimea Inlet is within Nelson District. The southern and western portions of the Inlet are administered by the Tasman District Council.

### ***CMd1.2 Nelson Haven***

**CMd1.2.i** The Nelson Haven is a large (1600ha) estuarine area also providing habitat for a diverse range of plant and animal life. The Maitai River discharges into the Haven and is estuarine in its lower reaches. Nelson Haven is of national significance for wildlife conservation. The margins of the Haven are highly modified as a result of drainage and reclamation to create farmland (at the head of the Haven), roadways, industrial land and Port land.

**CMd1.2.ii** The Haven possesses high recreational, scenic and amenity values.

### ***CMd1.3 Outer Boulder Bank - Pepin Island***

**CMd1.3.i** An approximately 20km length of exposed rocky shore habitat with intertidal and benthic communities quite different from those which occur in the sheltered estuarine environments of Nelson Haven and the Waimea Inlet and is an internationally significant landform. The Boulder Bank is a distinctive geomorphic feature created by longshore drift of boulders southwards from McKay's Bluff. It is a natural barrier creating the harbour within Nelson Haven.

**CMd1.3.ii** Some important coastal forest remnants occur at Drumduan, north of the Glen.

**CMd1.3.iii** The Cable Bay area is popular for recreational pursuits such as diving, fishing and walking.

### ***CMd1.4 Delaware Inlet***

**CMd1.4.i** Delaware Inlet is a relatively unmodified inlet at the mouth of the Wakapuaka River, some 15km north of Nelson City. It provides a sheltered estuarine habitat for a wide range of species, including some rare or endangered bird species. The inlet is of national significance for nature conservation and estuarine values. A large number of archaeological sites exist around the margins of the Inlet. The Inlet is of high value to Maori for spiritual reasons and as a traditional food gathering area. Some significant forest remnants occur in the Wakapuaka River Valley. The area is sensitive to change due to its relatively unmodified state.

### ***CMd1.5 Whangamoa Coast***

**CMd1.5.i** This section of coastline, stretching approximately 16 km from Delaware Inlet to Cape Soucis, is dominated by impressive coastal cliffs falling to rock and boulder strewn shores and wave-cut reef platforms. The adjoining coastal waters are deep and the coastline exposed to the prevailing northerly storms. The Whangamoa Inlet is a small estuarine area with high natural values. It is of national significance for nature conservation and estuarine values. It is a wild and scenic part of the coastal environment, with limited public access and is rarely visited. The area is highly vulnerable to change.

## **CMd2 Areas of significant conservation value**

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**CMd2.i** This Plan recognises, within the coastal environment, a number of areas of significant conservation value within which protection of specified values will be given priority over use and development. Objectives and policies for these are contained in Chapter 5. These areas are shown in the Marine Areas of Significant Conservation Value on the Planning Maps, with additional detail being provided on locations and values in Appendix 4.

### **CMd3 New Zealand coastal policy statement**

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**CMd3.i** The New Zealand Coastal Policy Statement was prepared by the Minister of Conservation and gazetted in 1994. Its purpose is to state policies in order to achieve the purpose of the Resource Management Act in relation to the coastal environment of New Zealand. This Plan must give effect to the New Zealand Coastal Policy Statement. This Plan adopts some of the New Zealand Coastal Policy Statement policies directly and states rules and other methods to implement them. Other New Zealand Coastal Policy Statement policies will be implemented by taking them into consideration when resource consent applications are processed. The restricted coastal activities identified in the First Schedule of the New Zealand Coastal Policy Statement have been provided for in the Rule Table of this Chapter.

### **CMd4 Port area Industrial Area<sup>07/01</sup>**

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**CMd4.i** The Port ~~Company~~ Operator,<sup>07/01</sup> Port Nelson Ltd, has a coastal permit to exclusively occupy the Coastal Marine Area beneath the wharves and adjacent to the wharves. The permit applies to an area extending a distance of 60m out from the Main Wharf, Brunt Quay, McGlashen Quay and Kingsford Quay. Around the rest of the port reclamation and the north-western margin of the Maitai reclamation, the permit applies to an area extending 30m out from the shoreline. The permit also confers occupancy rights to an area of 10m radius around each of the navigation aids sited in the Coastal Marine Area in the vicinity of the Port. The permit is issued by the Minister of Transport under section 384A of the Resource Management Act, and is valid until the year 2026. The effect of the permit is to enable Port Nelson Ltd to manage and operate the Port-related undertakings that it acquired under the Port Companies Act 1988. Port Nelson Ltd also possesses a waterway lease over navigation channels and approaches to the Port, valid until 2010. The lease gives the Company the right to manage surface water activities in the area, in terms of its commercial operations. The area of the lease includes the area covered by the coastal occupancy permit.

**CMd4.ii** The Port ~~Company's~~ Operator's<sup>07/01</sup> rights over the areas referred to above are exercised subject to the requirements of the Resource Management Act 1991 and subject to the direction and control of the Harbourmaster with respect to the control of navigation and safety under the Harbours Act 1950 and any regulations or bylaws made under that Act. The Harbourmaster is a contracted employee of the Nelson City Council.

**CMd4.iii** The Port ~~Company~~ Operator annually reviews a Port Development Plan which covers the operation and development of the commercial port area including the area of the Coastal Marine Area over which the ~~Company~~ Port Operator holds an occupancy permit. All areas of land and water used for recreational purposes are excluded. In addition, the ~~Company~~ Port Operator has prepared a Port Environmental Management Plan in consultation with interested parties. This Plan covers issues such as ~~noise~~, odour, traffic generation, dust and contaminated discharges. Noise is dealt with separately by the preparation of a Port Noise Management Plan and a Port Noise Mitigation Plan. Chapter 5 DO12 contains specific objectives and policies for the Port Industrial Area.<sup>07/01</sup>

### **CMd5 Fisheries management**

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**CMd5.i** The waters within Nelson's Coastal Marine Area support highly valued commercial, recreational and traditional fisheries.

**CMd5.ii** Responsibility for the management of all fisheries resources, including their conservation, use, enhancement and development, lies with the Minister and Ministry of Fisheries under the Fisheries Act 1983 and the Fisheries Act 1996.

**CMd5.iii** This Plan does not contain any rules governing fishing, because of limitations in the Resource Management Act. The Council cannot control harvesting or enhancement of fish populations (or any other aquatic life) where the purpose of that control is to conserve, enhance, protect, allocate or manage any fishery controlled by the Fisheries Act 1996 and/or Fisheries Act 1983.

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<sup>07/01</sup> Port Noise Variation Notified 14/07/07

**CMd5.iv** Notwithstanding the above, Council has a number of functions and responsibilities under the Resource Management Act which relate directly or indirectly to the maintenance of fisheries or to fisheries management issues. These include the overall responsibility to promote sustainable management of the District's natural resources, the allocation of coastal space (involving among other things, the avoidance of conflict between fishing and other activities), the management of coastal water quality, habitat protection (including the protection of nursery and spawning areas, see New Zealand Coastal Policy Statement) and provision for the relationship between Maori and their traditional resources.

**CMd5.v** It is important that there is close liaison between the Nelson City Council and the Ministry of Fisheries on fisheries management issues which relate to the responsibilities of both agencies. Issues include ensuring the protection of significant conservation values (as identified in the Marine Areas of Significant Conservation Value in the Planning Maps) from any adverse effects of fish harvesting.

**CMd5.vi** Council will establish and maintain appropriate lines of communication with the Ministry of Fisheries, fishing industry representatives, iwi, and other parties having an interest in fisheries management issues. More generally, Council will adopt the role of advocate for:

- a) sustainable management of harvested species, and
- b) allocation of the available resources in a manner which satisfies the economic, recreation and cultural needs of the community.

## **CMd6 Aquaculture**

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**CMd6.i** Aquaculture means any:

- a) physical modification or disturbance of the foreshore or seabed, or
- b) placement of any structure in, on, or over foreshore or seabed, or in the water column, or
- c) occupation of foreshore, seabed, water column, or water surface, or
- d) introduction or planting of any exotic plant for any of the purposes of enhancement, breeding, hatching, cultivating, rearing, or on-growing of fish, shellfish, aquatic life or seaweed for harvest; whether any such purpose includes marine farming or the taking or holding of spat, or is investigative, experimental, or commercial in nature, but excludes any scallop enhancement programme being carried out pursuant to the Fisheries Act 1996.

**CMd6.ii** Most aquaculture involves the use of surface structures of some sort. There is, consequently, potential for conflict between aquaculture and other coastal activities including navigation, recreation and fishing activities.

**CMd6.iii** Aquaculture is subject to control under the provisions of the Resource Management Act 1991, the Fisheries Act 1996 and/or the Fisheries Act 1983 and, in this regard, the responsibilities of Council and those of the Ministry of Fisheries are defined in the legislation.

**CMd6.iv** Prospective aquaculturalists require a coastal permit under the Resource Management Act if a proposal involves one or more of the activities listed in the following table, unless the activity is expressly allowed by a rule in a regional coastal plan.

<b>Aquaculture - Constituent Activity</b>	<b>Potential Effects</b>
Occupation of space (foreshore/seabed/ water column/water surface)	Public access and recreational uses, cultural values
Placement of structures	Navigation, visual/landscape amenity values, sediment movement/ecological effects
Disturbance of seabed	Sediment movement /ecological
Disturbance of contaminants	Water quality, ecological, cultural values
Deposition of substances on seabed	Ecological, cultural values
Reclamation	Ecological, public access and use, cultural values
Introduction of exotic species to Coastal Marine Area	Ecological, cultural
Maintenance activities	Ecological

**CMd6.v** Council is responsible under the Resource Management Act 1991 for assessment and control of the environmental effects of placing structures in the water and their use for aquaculture (other than their effects on fishing and sustainability of fisheries resources which are matters controlled by the Fisheries Act 1996 and/or Fisheries Act 1983).

**CMd6.vi** Under the Fisheries Act, the Ministry of Fisheries is responsible for the issuing of permits for aquaculture facilities. The Ministry's primary concern, in processing permit applications, is the likely impact on other aquaculture facilities or fishing activities. Section 67J (8) of the Fisheries Act 1996 requires that an aquaculture permit not be issued unless the Director General is satisfied that the application would not have an undue adverse effect on the sustainability of any fisheries resource.

**CMd6.vii** The respective roles of the Ministry under fisheries legislation and the role of Council under the Resource Management Act 1991 are further explained by reference to Section 6 of the Fisheries Act 1996, which states:

- (1) *No provision in any regional plan or coastal permit is enforceable to the extent that it provides for:*
  - a) *the allocation to one or more fishing sectors in preference to any other fishing sector of access to any fisheries resources in the coastal marine area; or*
  - b) *the conferral on any fisher of a right to occupy any land in the coastal marine area or any related part of the coastal marine area, if the right to occupy would exclude any other fisher from fishing in any part of the coastal marine area.*
- (2) *Subsection (1) of this section does not prevent any regional plan or coastal permit authorising the erection in the coastal marine area of any fish farm structure or other structure.*

**CMd6.viii** The Council may, under Section 122(5) of the Resource Management Act 1991, exclude fishers from areas allocated for occupation of the Coastal Marine Area by other non-fishing users, for example submarine cables. The Council cannot, however, make such restrictions in respect of controlling the harvesting or enhancement of populations of aquatic organisms where the purpose of that control is to conserve, enhance, protect, allocate, or manage any fishery controlled by the Fisheries Act 1996 and/or Fisheries Act 1983 (Section 30(2) Resource Management Act 1991).

**CMd6.ix** The Ministry of Fisheries can only issue an aquaculture permit or spat catching permit if the applicant has first obtained any necessary resource consents under the Resource Management Act.

**CMd6.x** The Resource Management (Aquaculture Moratorium) Amendment Act, 2002, and Extension Act 2004, impose a two year moratorium on the granting of coastal permits for aquaculture activities, including spat catching. The Acts provide regional councils with the opportunity, during the moratorium, to make provision in their regional coastal plans for aquaculture management areas (AMAs), where such areas are considered appropriate.

**CMd6.xi** The forthcoming Aquaculture Reform Bill, which is expected to follow on from the above Act, is intended to provide for the Resource Management Act to be the main legislation controlling aquaculture with an amendment of the interface between the RMA and fisheries legislation. This will mean that all environmental effects and fisheries matters are considered when decisions are made concerning aquaculture. The final form of this legislation will clarify the appropriate course for the Nelson City Council to follow in resolving its approach to the possible establishment of AMAs. It is already apparent that extensive consultation with a wide range of user groups and interested parties will be required. There will need to be an evaluation of a range of relevant issues such as tangata whenua values, water quality, location of anchorages, navigation routes, marine reserves, taia pure, recreational use, customary, recreational and commercial fishing, ecological and amenity values. In the event that suitable sites for AMAs are identified without significant conflict with other recognised values, then aquaculture development will be required to locate within the clearly defined AMAs and the establishment of aquaculture ventures outside these AMAs will become prohibited activities. These provisions will be incorporated into the Nelson Resource Management Plan by way of a Plan Change, and this will allow full opportunity for public input into the process.

**CMd6.xii** In determining its approach to aquaculture in this Plan, Council has been mindful of the following considerations:

- a) the potential benefits of aquaculture in terms of community well-being.
- b) the limitations of the 1982 Study (above) which focused on a limited range of aquaculture technologies, viz. long line mussel farming and oyster rack culture.
- c) the current rapid development of aquaculture options and technologies.
- d) the high potential for aquaculture to conflict with the requirement for safe navigation in many parts of the Coastal Marine Area (major shipping routes exist between Port Nelson and Farewell Spit and between Port Nelson and the Stephens Island/French Pass area. Waimea Inlet and Nelson Haven are recreational boating areas).
- e) the potential for aquaculture to conflict with the maintenance of ecological values in more sheltered waters with restricted circulation.
- f) the high potential for aquaculture to conflict with customary, recreational, and commercial fishing, recreational use, amenity and other significant values.
- g) the 2001 interim report and findings of the Environment Court Inquiry into the aquaculture references to the Tasman District Council's Proposed Resource Management Plan, recognised (among other things) the significance of estuaries and inshore areas, landscape and natural character values, and safe and unimpeded navigation for vessels.
- h) the provisions of the Resource Management (Aquaculture Moratorium) Amendment Act 2002, and Extension Act 2004, which impose a moratorium on new aquaculture activities in coastal marine areas to allow time for the development and implementation of wider aquaculture reforms through legislation and regional coastal plans.

**CMd6.xiii** The options available to Council were to make some forms of aquaculture:

- a) a permitted or controlled activity in all or some areas
- b) a prohibited activity in all or some areas
- c) a discretionary activity in all or some areas

**Cmd6.xiv** The permitted or controlled activity option was not favoured because of the difficulty of identifying aquaculture activities that would be acceptable under all circumstances and the difficulty of framing conditions or terms to cover the full range of potential effects.

**Cmd6.xv** The option of placing a “blanket” prohibition on all or some forms of aquaculture in specified areas (eg. estuaries), where there is high potential for conflict with other activities or values, is inappropriate because of the effects-based nature of planning under the Resource Management Act, and the real possibility that some forms of aquaculture may be able to be accommodated in these areas without significant adverse effects.

**Cmd6.xvi** The Council considers that, given the high potential of aquaculture to conflict with other activities and values and the uncertainty surrounding the likely effects of different types of aquaculture in different locations, it is appropriate for aquaculture to be treated as a discretionary activity throughout the Coastal Marine Area. This will enable each proposal to be considered on its merits and subject to full public scrutiny.

**Cmd6.xvii** Under this Plan, people wishing to undertake aquaculture within the Coastal Marine Area, are required to apply for a coastal permit for the activities which constitute the proposed aquaculture operation (see table Cmd6.iv above). The rules are framed in a way which ensures that all aquaculture-related activities will be treated as discretionary activities (other than in specific circumstances within the Marine ASCV Overlay) and applications will, consequently, be assessed in terms of the relevant objectives, policies, and assessment criteria for aquaculture-related activities in this Plan.

**Cmd6.xviii** The occupation and disturbance of the Coastal Marine Area by structures, and the use of those structures for any aquaculture purpose within the four Nelson estuaries is a prohibited activity, for which no application shall be received by the Council, and no resource consent shall be granted.

**Cmd6.xix** In practice, opportunities for aquaculture in open coastal water in Nelson are likely to be limited by physical suitability (lack of shelter) and the navigation constraints referred to above. Policies in this Plan make it clear that structures in the Coastal Marine Area (whether associated with aquaculture or otherwise) will not be permitted where they have the potential to compromise navigational safety.

**Cmd6.xx** There are currently no approved aquaculture operations within Nelson City’s Coastal Marine Area. However, the Southern Scallop Enhancement Programme, which is carried out under special empowering legislation and which covers most of Golden Bay and Tasman Bay, includes part of the Nelson Coastal Marine Area. A Marine Farming Study, undertaken by the Nelson Bays United Council in 1982, did not identify any sites suitable for marine farming within the area now covered by this Plan. Areas of open coastline (e.g. Port Nelson - Pepin Island, Delaware-Cape Soucis) were generally considered unsuitable for long line mussel farming on the basis of the potential for interference with navigation and the physical unsuitability of sites (i.e. the lack of sheltered water/high degree of exposure to wave action). More sheltered inter-tidal areas, within inlets or estuaries, were also considered unsuitable for traditional forms of rack culture (eg. oyster farming) because of the high tidal ranges (4m) in Nelson and consequent exposure times.

**Cmd6.xi** The Council urges people contemplating an aquaculture venture at a particular location within the Coastal Marine Area to undertake early consultation with Nelson-Marlborough Health Services’ Health Protection Unit, the Harbourmaster, the Department of Conservation, the Ministry of Fisheries, and user groups. Actual or potential conflicts with water quality, navigation routes, conservation values, fishing operations, and other uses should be identified and considered before a decision is taken to proceed with an application for a coastal permit under this Plan.

**Cmd6.xii** Aquaculture involves the private use of public open space. In the event of a coastal permit being granted for aquaculture (in terms of its constituent activities) Council may require a financial contribution to offset any loss of access or public amenity values.

## **CMd7 Roles of other agencies**

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**CMd7.i** The Maritime Transport Act 1993 gives Council the responsibility for Regional Oil Spill Planning and Response. The Maritime Safety Authority is responsible for these functions at a national level.

**CMd7.ii** The Foreshore and Seabed Endowment Revesting Act 1991 vests the majority of the Coastal Marine Area in the Crown. This ownership is administered by the Department of Conservation and must be taken into account in the consideration of resource consents.

## **objective**

### **CM1 life supporting capacity**

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*To maintain or enhance the life-supporting capacity of coastal ecosystems.*

#### **Reasons**

**CM1.i** Council is required, by the Resource Management Act 1991, to safeguard the life-supporting capacity of water and ecosystems. The objective also reflects the requirements of section 6 of the Act and is consistent with the New Zealand Coastal Policy Statement.

#### **policy**

##### **CM1.1 adverse effects on life supporting capacity**

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*Activities should avoid as far as practicable adverse effects on the life-supporting capacity of the Coastal Marine Area, including effects on one or more of:*

- a) the quality and quantity of habitats*
- b) the integrity of essential ecological processes*
- c) the viability of species populations, except where the species is unwanted aquatic life being eradicated subject to Section 97(1)(a)(iii) of the Fisheries Act 1996*
- d) the yield or quality of harvested populations and populations where the potential for harvest is clearly evident*
- e) spawning, nursery or feeding areas for marine life (including access by marine life to these areas) energy flows and nutrient cycling*
- f) shellfish gathering areas, and fishing areas*
- g) flora or fauna, including birdlife*
- h) water quality*
- i) movement of water (including tidal flushing of estuaries), sediment transport or the composition of natural substrates*

#### **Explanation and Reasons**

**CM1.1.i** The factors referred to are considered to be the key components of “life-support” because they relate to the productivity of marine ecosystems and their capacity to support animal and human life. A number of activities (eg. reclamation, drainage, discharge of toxic substances, disturbance of, or deposition of substances on, the foreshore or sea bed), can have significant adverse effects on the quantity and quality of habitats. (Policy 1.1.4 of the New Zealand Coastal Policy Statement is relevant.)

**CM1.1.ii** Essential ecological processes may be disrupted or adversely affected as a result of vegetation or habitat destruction, diversions, or polluting discharges.

**CM1.1.iii** Habitat modification or destruction can result in the decline of species to levels at which their long-term viability as a breeding population is threatened. In this regard, protection of the habitats of indigenous species is a matter of particular concern.

**CM1.1.iv** Some activities have the potential to reduce the maximum sustainable yield of harvested species, and others (such as discharges) have the potential to adversely affect the suitability of marine life for human consumption. Discharges, particularly the discharge of toxic contaminants, can adversely affect life-supporting capacity.

## **policy**

### **CM1.2 adverse effects of subdivision, use and development**

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*Adverse effects of subdivision, use or development in the coastal environment should, as far as practicable, be avoided. When complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying these effects, to the extent practicable.*

#### **Explanation and Reasons**

**CM1.2.i** The policy repeats Policy 3.2.2 of the New Zealand Coastal Policy Statement which provides a hierarchy whereby adverse effects should be avoided as far as practicable in the first instance, and where these effects cannot be avoided, they must be mitigated or remedied to the fullest practicable extent. This is a general policy which applies throughout Chapter 13.

## **policy**

### **CM1.3 habitats and biological productivity**

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*Activities that result in permanent loss of habitats or biological productivity shall be required to demonstrate all of the following:*

- a) a location in the Coastal Marine Area is an operational necessity*
- b) the proposal is the most appropriate way of providing for the activity having considered alternatives*
- c) the activity occupies the smallest possible area to achieve its purpose and, where appropriate, to mitigate adverse effects.*

#### **Explanation and Reasons**

**CM1.3i** Activities such as reclamation and drainage are particularly damaging to the life-supporting capacity of the Coastal Marine Area because they result in permanent loss of habitats and biological productivity. Most reclamations cover inter-tidal mudflat areas which are productive relative to subtidal areas.

**CM1.3.ii** It is recognised that further reclamations may be needed from time to time but, because of the history of reclamation and the importance of coastal margins for life-support and nature conservation, all future reclamations should require firm evidence of need, careful consideration of alternatives and full assessment of effects on natural values and physical processes.

**CM1.3.iii** The reference to mitigation of adverse effects in part (c) of this policy relates to the fact that it may sometimes (eg in the case of a reclamation) be appropriate to provide additional area, over and above that required to achieve the primary purpose, to achieve a mitigation objective eg provision of a reserve.

#### **Methods (policies CM1.1 and 1.2)**

**CM1.3.iv** Rules regulating activities with the potential to have significant adverse effects on the life-supporting capacity of the Coastal Marine Area.

**CM1.3.v** Assessing consent applications.

**policy**  
**CM1.4 hazardous substances - use and storage**

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*Activities within the Coastal Marine Area involving the use, storage, and transport, of hazardous substances should be managed or controlled, so as to minimise:*

- a) *the risk of a spill or leakage occurring, and*
- b) *the potential for adverse effects in the event of a spill or leakage*

**Explanation and Reasons**

**CM1.4.i** Spills or leakages of hazardous substances to the Coastal Marine Area have the potential for serious long term adverse effects on aquatic life.

**CM1.4.ii** Hazardous substances, including oil and petroleum products are transported to Nelson by ship (through the Coastal Marine Area), some are stored at Port Nelson pending transport via Rocks Road and Queen Elizabeth II Drive (in close proximity to the sea) to other destinations. It is a requirement of the Act that the risks associated with the storage, use or transportation of hazardous substances be minimised. Refer also to Chapter 5 of this Plan.

**Methods**

- CM1.4.iii** Regulations made under the Hazardous Substances and New Organisms Act.
- CM1.4.iv** Rules regulating the use and storage of hazardous substances, and
- CM1.4.v** Contingency planning measures set out in policy CM6.13 (spill contingency plans).
- CM1.4.vi** Assessing consent applications.

**policy**  
**CM1.5 hazardous substances - disposal**

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*Hazardous substances should not be disposed of in the Coastal Marine Area.*

**Explanation and Reasons**

**CM1.5.i** In the past, potentially hazardous substances have been disposed of at authorised landfills and at unauthorised sites within the Coastal Marine Area, sometimes in close proximity to the sea. Substances include harbour dredgings containing pollutants such as tri-butyl tin (TBT). The Council considers that, because of the potential for contamination of the Coastal Marine Area with toxic leachate, such activities should not be permitted.

**Methods**

- CM1.5.ii** Rules prohibiting the disposal of hazardous substances in the Coastal Marine Area.
- CM1.5.iii** Assessing consent applications.

**policy**  
**CM1.6 enhancement of life supporting capacity**

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*Opportunities to restore or enhance the life-supporting capacity of the Coastal Marine Area should be identified and, where practicable, acted upon.*

**Explanation and Reasons**

**CM1.6.i** The policy relates to policy 1.1.5 of the New Zealand Coastal Policy Statement. The Council recognises that, in many instances, it may not be practical or cost-effective to implement restoration projects.

**Methods**

- CM1.6.ii** Identifying opportunities to enhance the life-supporting capacity of the Coastal Marine Area.
- CM1.6.iii** Requiring appropriate financial contributions, including works and services from coastal permit holders.
- CM1.6.iv** Undertaking works, as appropriate.

- CM1.6.v Encouraging community participation in restoration projects.
- CM1.6.vi Assessing consent applications.

## objective

### CM2 natural character

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*The preservation of the natural character of the coastal environment, particularly at the land/sea interface, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.*

#### Reasons

CM2.i The objective reflects the requirements of Section 6(a) of the Resource Management Act, and Chapter One of the New Zealand Coastal Policy Statement. The natural character of the coastal environment comprises a number of key elements, including coastal landforms; indigenous flora and fauna and their habitats; water quality; marine ecosystems; and landscape values. These elements are addressed separately elsewhere within this Plan, resulting in policies that serve to preserve different aspects of natural character.

#### policy

##### CM2.1 avoid adverse effects on natural character

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*Avoid the adverse effects of subdivision, use and development within those areas of the coastal environment which are predominantly in their natural state, and have natural character which has not been compromised.*

#### Explanation and Reasons

CM2.1.i This policy gives effect to Policy 1.1.1 of the New Zealand Coastal Policy.

#### Methods

- CM2.1.ii Rules governing activities within the Coastal Marine Area, and the consideration of consent applications.
- CM2.1.iii Identifying Marine Areas of Significant Conservation Value.
- CM2.1.iv The Council will work co-operatively with the Department of Conservation, Iwi, and other organisations to identify areas of significant value, and, where necessary, to determine the appropriate measures for their protection.

## objective

### CM3 vegetation, habitat, natural features

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*The protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna and outstanding natural features within the Coastal Marine Area; and restoration and rehabilitation of degraded vegetation and habitats.*

#### Reasons

CM3.i The objective reflects the requirements of sections 6(a), 6(b) and 6(c) of the Resource Management Act and the national priority established by policy 1.1.5 of the New Zealand Coastal Policy Statement. The Council is aware, from various reports, that much can be done to restore or rehabilitate degraded coastal vegetation and habitats, but there are physical and financial constraints on this type of work.

**policy**  
**CM3.1 vegetation, fauna and landscapes**

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*Activities in the Coastal Marine Area should be located and designed in a way which has the least adverse effect and protects areas of significant indigenous vegetation, significant habitats of indigenous fauna, outstanding natural features and landscapes.*

**Explanation and Reasons**

**CM3.1.i** This general policy is necessary to give effect to sections 6(a) and 6(c) of the Act and to policy 1.1.2 of the New Zealand Coastal Policy Statement. Irrespective of the degree of modification that has taken place, all of the coast has some degree of natural character and the approach required by the Act is to protect the attributes which give an area its natural character from inappropriate use and development. It needs to be recognised that the need to protect natural values may limit development opportunities.

**Methods**

- CM3.1.ii** Rules governing activities within the Coastal Marine Area, and the consideration of consent applications.
- CM3.1.iii** Marine Areas of Significant Conservation Value have been established within which rules to protect areas of significant conservation value apply.

**policy**  
**CM3.2 marine areas of significant conservation value**

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*Priority shall be given to avoiding the adverse effects of activities on the conservation values of areas of significant conservation value.*

**Explanation and Reasons**

**CM3.2.i** The policy gives effect to policy 1.1.2 of the New Zealand Coastal Policy Statement. The areas and values are identified in a Department of Conservation report entitled Internationally and Nationally Important Coastal Areas from Waimea Inlet to Cape Soucis, Nelson, New Zealand: Recommendations for Protection. The areas were assessed for “significance” mainly on the basis of ecological criteria (the presence of threatened or rare species, forested coastal catchments, the level of human modification and vulnerability to further modification) and, to some extent, on geomorphic criteria. The areas identified by the Department of Conservation are restricted to areas below mean high water springs (due to limitations on the Minister of Conservation’s purview under the Act), but references were made in the report to values above mean high water springs. The Coastal Environment Overlay deals with areas above mean high water springs.

**CM3.2.ii** By concentrating on areas of national and international significance, the Department of Conservation has highlighted those areas which have particularly high or “significant” values and therefore fall within the ambit of policy 1.1.2(a) of the New Zealand Coastal Policy Statement which requires the avoidance of any actual or potential adverse effects of activities in these areas.

**Methods**

- CM3.2.iii** Mapping Marine Areas of Significant Conservation Value showing users of this Plan which areas have significant conservation value.
- CM3.2.iv** Provide, or advocate the provision of, signposts and interpretation facilities for areas of significant conservation value.
- CM3.2.v** Rules governing coastal activities and their effects.

- CM3.2.vi The Council will work co-operatively with the Department of Conservation, iwi and other organisations to determine the best means of jointly or individually implementing the management recommendations relating to areas of significant conservation value contained in the report referred to in CM3.2.i.
- CM3.2.vii The Council will undertake, or encourage the Department of Conservation or others to undertake, any further studies that are necessary to identify or clarify the conservation values associated in the Coastal Marine Area.
- CM3.2.viii Identifying areas for priority action (in consultation with Department of Conservation) and taking action where Council is owner.
- CM3.2.ix Encouraging Department of Conservation to take action where at risk areas are in Crown ownership.

## **policy**

### **CM3.3 riparian vegetation**

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*Riparian vegetation along the coastline, particularly around the margins of estuaries, should be protected and enhanced.*

#### **Explanation and Reasons**

CM3.3.i Riparian vegetation makes a significant contribution to the natural character of the Coastal Marine Area in terms of life support, nature conservation, visual amenity and water quality values. Marginal vegetation, including saltmarsh vegetation in the upper reaches of estuaries, provides important habitat for birdlife, a source of primary production for estuarine food chains and can assist with water quality maintenance by filtering out contaminants in run-off from the land. Enhancement programmes involving re-vegetation will give preference to indigenous species.

#### **Methods**

- CM3.3.ii Rules regulating activities.
- CM3.3.iii Rules setting aside esplanade reserves and strips.
- CM3.3.iv Education, land clearance controls, fire controls, fencing and the establishment of reserves.
- CM3.3.v Discourage activities which have detrimental effects on riparian vegetation, including vehicle use and grazing of the land/water interface.
- CM3.3.vi Encourage landowners, including Department of Conservation, to fence off areas of significant indigenous vegetation and the Council will consider providing assistance.
- CM3.3.vii Seek to prevent pest damage to significant natural areas or values within the coastal environment under the Regional Pest Management Strategy.

## **policy**

### **CM3.4 marine protected areas**

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*The possibility of establishing a network of marine protected areas should be researched, and the public consulted, and where appropriate established within the Coastal Marine Area.*

#### **Explanation and Reasons**

CM3.4.i Marine protected areas is a generic term for marine areas that are protected under various pieces of legislation, in particular the Marine Reserves Act 1977, the Fisheries Act 1996, the Maori Fisheries Act 1989 and the Treaty of Waitangi (Treaty Claims) Act 1992. They include both fully protected areas where all marine life is totally protected and partially protected areas where limited forms of recreational or commercial fishing may take place. Council is generally supportive of the idea of establishing a network of marine protected areas within Tasman Bay because such action is potentially an important way of promoting the sustainable management of coastal resources (eg. by providing “safe havens” for the replenishment/dispersal of marine life) and implementing the protection-orientated policies of the New Zealand Coastal Policy Statement, eg NZCPS policy 1.1.2(c).

The issue of establishing a network of marine protected areas is best considered in a Tasman Bay context and, in that regard, is a cross-boundary issue between Nelson City Council and Tasman and Marlborough District Councils.

#### **Method**

- CM3.4.ii** Council will investigate, with the Department of Conservation, Tasman District Council, fishing interests, iwi and other interested parties, the possibility of establishing within Tasman Bay:
- a) a representative system of fully protected marine reserves
  - b) other appropriate marine protected areas

#### **policy**

### **CM3.5 vegetation and habitat rehabilitation**

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*Opportunities to restore and rehabilitate vegetation and habitat values within the Coastal Marine Area should be identified and actioned where appropriate.*

#### **Explanation and Reasons**

**CM3.5.i** The policy reflects a national priority (see policy 1.1.5 of the New Zealand Coastal Policy Statement). There are many areas of Nelson's Coastal Marine Area which have been substantially modified by development (eg. the eastern margins of Waimea Inlet and the margins of Nelson Haven). Opportunities to restore or rehabilitate degraded areas may arise during the preparation of plans and the consideration of resource consent applications.

#### **Methods**

- CM3.5.ii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM3.5.iii** Grant money to projects to restore the natural character of parts of the coastal environment.
- CM3.5.iv** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

## **objective**

### **CM4 amenity values**

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*The maintenance and enhancement of amenity values within the Coastal Marine Area.*

#### **Reasons**

**CM4.i** The Act requires Council to have particular regard to the maintenance and enhancement of amenity values and to the quality of the environment. The objective is linked to the "lifestyle" aspirations of many Nelsonians and to tourism development. This objective is reinforced by the provisions of the New Zealand Coastal Policy Statement.

#### **policy**

### **CM4.1 activities affecting amenities**

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*Activities within the Coastal Marine Area should avoid significant adverse effects on amenity values and public safety.*

#### **Explanation and Reasons**

**CM4.1.i** The significance of effects will necessarily be determined on a proposal-by-proposal basis. Activities likely to have a significant adverse effect on the amenity values of these areas, or on public safety, will not be permitted. The RMA now requires that with any rule relating to the CMA in the Plan, where there is potential to adversely impact on the foreshore and seabed, a matter of assessment criteria should now include potential impact on historic heritage (refer Chapter 2 Meanings of Words for definition of 'historic heritage').

**CM4.1.ii** Certain types of structures and activities involving the disturbance of, or deposition of, substances on the foreshore or seabed fall into this category. Some structures can improve amenity values. The erection and operation of structures within the coastal environment have the potential for a range of adverse effects on amenity values, depending on their location, size and design. Coastal structures below, or straddling, mean high water springs include moorings, jetties, bridges, wharves, launching ramps, slipways, pipelines, cables, culverts, navigation aids, transmission lines, shoreline protection works (seawalls, groynes, and breakwaters).

**CM4.1.iii** Generally structures should be located so that they do not obstruct important views to or from the Coastal Marine Area, and they should be located and designed in a manner which achieves a degree of visual harmony with the surrounding landscape. The latter will involve careful attention to form and colour in some locations.

## **policy**

### **CM4.2 adverse effects**

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*Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects to the extent practicable.*

#### **Explanation and Reasons**

**CM4.2.i** This policy relates to policy 3.2.2 of the New Zealand Coastal Policy Statement. Council accepts that within the coastal environment the New Zealand Coastal Policy Statement establishes a hierarchy of avoid, or if avoidance is not possible then remedy and mitigate adverse effects.

#### **Methods**

- CM4.2.ii** Placing conditions on resource consents requiring mitigation and remedy of adverse effects.
- CM4.2.iii** Development of property plans to facilitate integration of development and conservation.

## **policy**

### **CM4.3 redundant structures**

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*Structures should be removed from the Coastal Marine Area or demolished at the expiry of their authorisation or at the end of their useful lives, provided that none of the following apply:*

- a) removal of the structure would cause greater adverse effects on the environment than leaving the structure in place, including effects on the life-supporting capacity of the Area*
- b) the structure will have no more than minor adverse effects on the environment or on public access or use of the Area if left in place*
- c) the structure has significant heritage value*
- d) a new authorisation has been granted, or applied for but not yet determined*

#### **Explanation and Reasons**

**CM4.3.i** The policy gives effect to policy 4.1.3 of the New Zealand Coastal Policy Statement. Disused or derelict structures can be visually obtrusive and may not permit efficient use of public space. It is the responsibility of the owners of obsolete structures to remove them if practical and desirable.

**policy**  
**CM4.4 undesirable structures**

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*Existing structures that significantly detract from the visual amenity of the coast, impede public access, or pose a significant risk to safe boat navigation or to public safety, should be upgraded or removed. When assessing structures, the Council will have regard to:*

- a) the potential adverse effects if no action is taken, and*
- b) the cost of remedial action, and*
- c) the practicability of any proposed action, and*
- d) the likely positive and adverse effects on the environment.*

**Explanation and Reasons**

**CM4.4.i** The use of public space is a privilege. Structures should be adequately maintained. In deciding whether or not to take action (at the time of consent renewal or review, or if the structure is abandoned), Council will take into account a range of factors as set out in the policy.

**Methods**

- CM4.4.ii** (Policies CM4.1-3.3) - rules governing activities within the Coastal Marine Area, decisions on consent applications, and the conditions attached to consents.
- CM4.4.iii** (Policy CM4.3) - include the use of the Act's enforcement provisions, variations to consent conditions, or the provision of works or services.
- CM4.4.iv** All policies - opportunities to enhance amenity values and to protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

**policy**  
**CM4.5 navigation**

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*Activities within the Coastal Marine Area should:*

- a) permit the unrestricted safe navigation of vessels to and from recognised launching, mooring or berthing areas, and*
- b) not adversely affect the functioning of navigation aids, and*
- c) allow people to have safe access to and along the Coastal Marine Area, and*
- d) allow people to make use of the foreshore and coastal waters for contact recreation, and*
- e) avoid emissions of light that could affect the safe navigation of vessels, and*
- f) provide for appropriate notice to be made when the navigability of an area changes as a result of that use or development.*

**Explanation and Reasons**

**CM4.5.i** Activities within the Coastal Marine Area, including surface water activities and the placement of structures, have the potential to adversely affect the safety of users of the Coastal Marine Area. The Resource Management Act is concerned only with residual safety and navigation issues through part of its purpose "enabling people to provide for ... their health and safety." Safety is more directly the subject of the Harbours Act 1950, the Building Act 1991 and the Maritime Transport Act 1993. While the Resource Management Act permits the Council to control activities in relation to the surface of the water, that control is to achieve the purpose of the Act. The Harbours Act 1950 provides explicitly for control over navigation and safety.

**CM4.5.ii** The policy promotes integrated management of navigational safety. The Maritime Safety Authority administers the Harbours Act 1950 and the Maritime Transport Act 1993, which provide for navigational safety. Both the Maritime Safety Authority and the Royal New Zealand Navy need to be aware of structures, dredging, reclamation etc. which can change the navigability of an area of coastal water.

## Methods

- CM4.5.iii Rules controlling boat speed, navigation channels, the location of navigation aids and the location of boating activities to protect health and safety.
- CM4.5.iv Assessment of consent applications and the conditions attached to coastal permits.
- CM4.5.v By-laws under the Harbours Act 1950 or replacement legislation.
- CM4.5.vi Notify the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy of new structures and harbour works, authorised by coastal permits.
- CM4.5.vii Opportunities to enhance amenity values and to actively protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

## policy

### CM4.6 noise

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*Activities should not produce unreasonable noise or noise sufficient to have a significant adverse effect on amenity values, human health, animals or wildlife.*

#### Explanation and Reasons

CM4.6.i Unreasonable noise in the coastal environment may be generated by construction works, operations on port wharves, or noisy recreational vessels, such as powerboats and jet skis. Excessive noise is out of character with the coastal environment and with the maintenance and enhancement of amenity values. The policy recognises that noise can spoil people's appreciation of the natural character and aesthetics of the coastal environment and, in the extreme, may be harmful to human health or disturb livestock or wildlife. See also section DO12 (~~The Port Industrial Area of Nelson~~) which addresses separately the issue of port noise ~~dealing with Port noise.~~<sup>07/01</sup>

#### Methods

- CM4.6.ii Rules controlling noise levels or conditions on coastal permits that require general standards to be met.
- CM4.6.iii Opportunities to enhance amenity values and to actively protect heritage sites, within the coastal environment, should be identified and action taken where appropriate.

~~This is subject to a reference to the Environment Court (RMA 069/99). The relief sought is that the words "operations on port wharves" be deleted, and the sentence "See also section DO12 (The Port of Nelson) dealing with Port Noise" should be replaced with "This policy does not apply to port noise, which is covered by DO12".~~<sup>07/01</sup>

## objective

### CM5 coastal processes

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*A Coastal Marine Area where natural coastal processes are not adversely affected by activities on the foreshore or seabed.*

#### Reasons

CM5.i Activities on the foreshore or seabed can alter the natural coastal processes acting on the area. This may adversely affect flow regimes, tidal hydraulics, and flushing capabilities. Erosion and sedimentation can be increased if the overall sediment equilibrium is altered. The intrinsic values of ecosystems can also be adversely affected.

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<sup>07/01</sup> Port Noise Variation Notified 14/07/07

**policy**  
**CM5.1 precautionary approach**

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*Adopt a precautionary approach towards proposed activities, particularly those where the effects of coastal processes on activities, or the effects of the activities themselves, are as yet unknown or little understood.*

**Explanation and Reasons**

CM5.1.i The policy relates to Policy 3.3.1 of the New Zealand Coastal Policy Statement which notes “because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood.” Coastal processes include physical, biological, and chemical processes, and the interactions between them.

**policy**  
**CM5.2 foreshore and seabed activities**

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*Activities on the foreshore or seabed should avoid, remedy, or mitigate adverse effects on natural coastal processes.*

**Explanation and Reasons**

CM5.2.i The significance of effects will necessarily be determined on a proposal-by-proposal basis. Activities likely to have a significant adverse effect on coastal processes will not be permitted.

**Methods**

- CM5.2.ii Rules regulating activities on foreshore and seabed.  
The consideration of adverse effects must include consideration of cumulative effects, taking into account both the effects or existing development, and the likely extent to which any new subdivision, use, or development will exacerbate such effects.
- CM5.2.iii Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM5.2.iv Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

**policy**  
**CM5.3 deposition of substances**

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*The deposition of substances on the foreshore or seabed should not adversely affect the form, texture or natural processes of the foreshore. (In this respect, regard should be had for the desirability of a deposited substance being of the same size, sorting and parent material as the receiving sediments.)*

**Explanation and Reasons**

CM5.3.i The policy is considered necessary to ensure that the controlled placement of substances (eg. for the purposes of erosion control or beach replenishment) does not affect coastal processes or result in the loss of amenity values on public beaches or other foreshore areas. (This policy also contributes to the attainment of the Objective on amenity values.)

**Methods**

- CM5.3.ii Rules regulating deposition of substances on foreshore and seabed.
- CM5.3.iii Conditions on resource consents, requiring remediation, mitigation and financial contributions.
- CM5.3.iv Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

**policy**  
**CM5.4 structures**

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*Structures within the Coastal Marine Area should not impede natural coastal processes. If effects on natural coastal processes cannot be avoided, structures should be designed and constructed in a way that mitigates or remedies such effects.*

**Explanation and Reasons**

**CM5.4.i** Structures can cause changes to natural coastal processes and can result in adverse effects remote from the site. Structures that impede coastal water flows, or impound coastal water or exclude coastal water from places that it would naturally flow to and from may have adverse effects both on rates of erosion and sedimentation, and on the intrinsic values of ecosystems.

**Methods**

**CM5.4.ii** Rules regulating structures.

**CM5.4.iii** Conditions on resource consents, requiring remediation, mitigation and financial contributions.

**CM5.4.iv** Remove redundant structures that adversely affect coastal processes.

**CM5.4.v** Support appropriate community-based initiatives to restore or rehabilitate areas of the coastal environment.

## **objective**

### **CM6 coastal water quality**

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*Maintenance and enhancement of the quality of Nelson's coastal water.*

**Reasons**

**CM6.i** Maintenance of the life-supporting capacity of coastal waters is fundamental to achieving the purpose of the Act. Coastal waters are valued by the community for a wide range of water quality-dependent purposes, including fisheries maintenance, water contact sports, recreational boating, passive recreational enjoyment and cultural or spiritual values.

**policy**  
**CM6.1 marine water quality standards**

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*Coastal marine water quality standards should be maintained or enhanced to reflect community aspirations and tangata whenua values for:*

- a) management for fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes over the whole Coastal Marine Area, and*
- b) contact recreation, shell fish gathering, or cultural purposes, in specified parts of the Coastal Marine Area.*

**Explanation and Reasons**

**CM6.1.i** Coastal water is a “common property” resource. There should consequently be a high degree of community input into deciding the purpose for which water should be managed and the marine water quality standards which should be applied.

**CM6.1.ii** The Council has a responsibility to recognise and provide for the relationship of Maori and their culture with water and other taonga. The quality of water can affect spiritual values and the availability and quality of seafood in traditional food gathering areas. Maori are generally not in favour of discharges to water (particularly those containing human waste), and in this regard the maintenance of the “natural” water quality and the restoration of the mauri (life force) of degraded waters are important issues for Maori.

## **policy**

### **CM6.2 marine water quality standards**

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*Coastal marine water quality standards shall be managed for the purposes set out in the following water quality classes and associated standards:*

- a) *Fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes, Class: FEA, Area of application: to the entire Coastal Marine Area; or*
- b) *Contact recreation purposes, Class: CR, Area of application: generally 200 metres seaward of mean high water springs within the areas identified as "Contact Recreation Overlay" on Planning Map A1; or*
- c) *Shell fish gathering purposes, Class: SG, Area of application: the area identified as "Shell Fish Gathering Overlay" on Planning Map A1, which encloses a zone extending from the 10m-40m depth contour in Tasman Bay; or*
- d) *Cultural purposes, Class: C, Area of application: Delaware Inlet (refer Planning Map A1, 'Cultural Overlay').*

#### **Explanation and Reasons**

**CM6.2.i** The standards applying to each class are set out in the Coastal Marine water quality standards Schedule below (before the Rules). These classifications are adopted instead of the classification contained in the Resource Management Act, Third Schedule, which are, in the Council's opinion, inadequate or inappropriate for Nelson. The Council commissioned an independent report on Water Classification Options for the Nelson and Tasman Coastal Marine Areas (Roberts, Forrest, Crutchley 1994) and the provisions of this Plan are based on the recommendations in that Report.

**CM6.2.ii** Classification of coastal waters is desirable because it specifies a desired outcome, provides a framework for determining discharge applications and consent conditions, the public has greater assurance that coastal waters are being managed in accordance with agreed objectives, and the discharger has some prior knowledge and certainty as to whether a particular proposal is likely to be environmentally acceptable.

**CM6.2.iii** The FEA class (management for fisheries, fish spawning, aquatic ecosystem, and aesthetic purposes) combines all of the standards from the RMA classes AE, F, FS and A (these overlap significantly). The mobility of fish and the requirements of the Act relating to protection of ecosystem and amenity values, justify applying the standards across the entire Coastal Marine Area. Some relatively minor adjustments have been made to the RMA standards to provide a more appropriate degree of protection for the stipulated values.

**CM6.2.iv** The CR class (management for contact recreation) incorporates the RMA narrative standards and includes a numerical standard based on Department of Health guidelines for marine recreational waters. The CR class has been applied to all areas which are valued for contact recreation, including Tahunanui Main Beach (bathing, board sailing) the Port area adjacent to The Cut (a variety of activities), the Haven at Atawhai (board sailing), Tahunanui Back Beach (swimming), Cable Bay (swimming, diving), Monaco (swimming, water skiing) and The Glen Beach (bathing, surfing (in the case of this area the seaward extent is the 10 m depth contour)).

**CM6.2.v** The SG class (management for the gathering or cultivation of shellfish for human consumption) incorporates temperature and dissolved oxygen standards but these are covered by the pervasive FEA standard. The RMA narrative standard relating to contaminants is incorporated as an additional (numerical) standard for the faecal coliform content of shellfish gathering water, based on Ministry of Health Guidelines. The SG class has, at this stage, only been applied to the "conditionally approved" shellfish harvesting area described in the shellfish sanitation programme (Cameron and Caradus 1993). The Council is aware that some people gather shellfish within estuaries and other inter tidal areas in the district and that there is a general expectation that such areas should be available for shellfish gathering without risk to public health.

However, there is a paucity of information on the distribution of valued shellfish gathering areas and the risks associated with gathering shellfish from those areas. Council has received advice that it is likely that most estuaries and nearshore waters would frequently breach Ministry of Health guidelines for shellfish gathering waters and/or shellfish flesh (see Roberts et al 1992). Classifying nearshore waters SG in areas such as the Nelson Haven and Waimea Inlet could create the false impression that it is “safe” to gather shellfish in those areas. Council considers that, until further information is available, the prudent course of action is to confine the SG classification to areas certified or “conditionally approved” as being suitable for shellfish gathering.

**CM6.2.vi** The C class (management for cultural purposes) adopts the sole RMA criterion for this class, and specifies relevant cultural or spiritual values. It also incorporates SG standards relating to the suitability of shellfish for human consumption. The classification has been applied to only one area, Delaware Inlet on the grounds that this is an area that has been identified by tangata whenua as being highly valued for spiritual and traditional food gathering reasons. Further, Delaware Inlet drains a relatively unmodified catchment and the available evidence would suggest that full compliance with shellfish gathering standards is a realistic target.

## **policy**

### **CM6.3 discharges (general)**

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*Discharges to coastal water should not, after reasonable mixing, result in a breach of classification standards or a reduction in water quality and the discharge should not (either by itself or in combination with other discharges) give rise to any significant adverse effects on habitats, feeding grounds or ecosystems.*

#### **Explanation and Reasons**

**CM6.3.i** Contaminants include any substance which when discharged into water changes, or is likely to change, the physical, chemical or biological condition of the water. Classification standards or a reduction in water quality provide a “baseline” below which water quality should not be degraded other than as a result of natural perturbations (eg. stormwater runoff). The second part of the policy reflects the requirements of policy 5.1.3 of the New Zealand Coastal Policy Statement.

## **policy**

### **CM6.4 mixing zones**

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*In considering what constitutes a “reasonable mixing zone”, in any particular situation, account will be taken of:*

- a) the purposes for which the water is managed, and*
- b) the sensitivity of the receiving environment (i.e. available dilution and dispersal and the proximity of areas valued for ecological, recreational, cultural, shellfish gathering or commercial fishing reasons), and*
- c) the nature of the discharge including contaminant type, concentration and volume, and*
- d) the location and design of the proposed outfall and the potential for improving the same, and*
- e) the proposed method of treatment and the potential for improving that method, and*
- f) the need to confine any significant adverse effects to the mixing zone, and*
- g) the desirability of keeping the size of the mixing zone as small as possible, and of keeping it away from the inter tidal area.*

#### **Explanation and Reasons**

**CM6.4.i** The policy provides an indication of the parameters which the Council considers should govern the determination of an appropriate mixing zone and hence provides some guidance to prospective applicants for a coastal discharge permit.

**policy**  
**CM6.5 assessment criteria**

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*When considering new proposals or applications to discharge contaminants directly to water, or reviewing existing discharges, matters to be taken into account include:*

- a) the water quality classification for the receiving environment, and*
- b) the total contaminant load (composition/concentration/flow rate) of the discharge, and*
- c) the presence or absence of toxic constituents, and the potential for bio-accumulative or synergistic effects, and*
- d) the assimilative capacity (including available dilution and dispersal) of the water and the existing water quality, and*
- e) actual or potential uses of the water body and the degree to which the needs of other water users are, or may be, compromised, and*
- f) scenic, aesthetic, amenity, recreational and commercial fisheries values, and*
- g) the cultural and spiritual values of tangata whenua, and*
- h) the actual or potential risk to human health from the discharge.*

**Explanation and Reasons**

**CM6.5.i** The policy sets out the matters or values which the Council considers to be most relevant to determination of a coastal discharge permit application. This policy should be taken into account by applicants when preparing environmental effects assessments.

**policy**  
**CM6.6 untreated sewage discharges**

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*Untreated human sewage should not be discharged to coastal waters, unless the discharge is:*

- a) of a temporary nature, and the effects are minor, or*
- b) associated with necessary maintenance work*  
*and then only if:*
- c) there has been consultation with tangata whenua in accordance with tikanga Maori, and*
- d) there has been consultation with the community generally*
- e) it better meets the purpose of the Act than disposal on to land*

**Explanation and Reasons**

**CM6.6.i** Human wastes and greywater, normally discharged together as “sewage”, contain many contaminants, including disease-causing organisms (pathogens), organic matter, nutrients, oil and grease, cleaning chemicals and detergents, most of which are biodegradable. Untreated sewage is sewage that has received no treatment or primary treatment (i.e. physical or chemical treatment) only. It contains high numbers of micro-organisms (including pathogens) which may increase public health risks from both contact recreation and seafood harvesting. The direct discharge of untreated sewage to water is culturally and socially offensive.

**CM6.6.ii** It may on occasions be necessary to permit the discharge of untreated sewage to coastal water from sewage pipes when planned maintenance or upgrading work needs to be carried out. It is not practical to stop generating sewage. If realistic engineering alternatives are not available for diversion elsewhere, a discharge may be the only reasonable option. Refer to section 107(2) Resource Management Act.

**policy**  
**CM6.7 treated sewage discharges**

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*The discharge of treated human sewage directly into coastal water, without passing through land, should only be permitted where:*

- a) it better meets the purpose of the Act than disposal onto land, and*
- b) there has been consultation with tangata whenua in accordance with tikanga Maori, and*
- c) there has been consultation with the community generally, and*
- d) marine water quality standards are not breached as a result of the discharge, and*
- e) the method of treatment prior to discharge adopts the best practicable option.*

**Explanation and Reasons**

**CM6.7.i** Treated sewage is sewage that has passed through at least a secondary (i.e. biological) treatment process. The policy reflects the requirements of policy 5.1.2 of the New Zealand Coastal Policy Statement. The maintenance of water quality classification standards provides a safeguard against water quality degradation or conflict with other uses of the receiving water.

**policy**  
**CM6.8 stormwater discharges**

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*The level of contaminants in stormwater discharges to the Coastal Marine Area should be minimised using the best practicable option.*

**Explanation and Reasons**

**CM6.8.i** Stormwater is generated by runoff from land or hard surfaces. In urban areas of Nelson City, stormwater is piped through stormwater drains to receiving waters such as channels, streams, rivers or coastal margins. Urban stormwater typically contains a wide variety of contaminants with the potential to adversely affect aquatic life, amenity or cultural values - including oil and other hydrocarbons, heavy metals, sediment, microbes (pathogens) and nutrients. Stormwater may be contaminated by unauthorised discharges of water directly into stormwater pipes or channels, either accidental or deliberate. In residential areas, stormwater drains frequently receive soapy water from washing cars, residues from cleaning paint brushes and oil spilt during oil changes. Process wastes or industrial chemicals may be illegally discharged into stormwater drains servicing industrial or trade premises.

**CM6.8.ii** In Nelson, the extent and effects of stormwater discharges to the coastal environment are unknown but it is likely, on the basis of experience elsewhere, that the “first flush” of stormwater discharged from urban areas after a rainstorm will contain large quantities of contaminants. The effects of such discharges are likely to be most significant where the receiving waters are semi-enclosed eg. Nelson Haven. Some industrial and trade premises discharge stormwater runoff directly to the Coastal Marine Area or to water bodies above the mean high water mark which drain into the Coastal Marine Area.

**CM6.8.iii** The policy states an aspiration that the best practicable option be used to minimise the level of contaminants in stormwater discharges. It enables Council to consider proposed treatment methods and the available options, having regard to the matters referred to in the definition of ‘best practicable option’ contained in Section 2 of the Resource Management Act 1991.

**policy**  
**CM6.9 discharges from vessels**

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*The adverse effects of discharges from vessels should be avoided, remedied or mitigated.*

**Explanation and Reasons**

**CM6.9.i** The majority of vessels operating within the Coastal Marine Area are small to medium-sized boats used either commercially or privately for fishing or recreation. Port Nelson receives about 560 ships annually, approximately 80% of which operate in overseas as well as New Zealand waters. Ships waiting to berth occupy an area which extends across the Nelson City/Tasman District regional boundary. Discharges from vessels operating within the Coastal Marine Area may be grouped into three categories, namely those arising from:

- a) The “normal operations” of vessels (including discharges of sewage, bilge water, cooling water, ballast water and biodegradable refuse)
- b) The disposal or dumping of dredgings
- c) The maintenance of vessels, including discharges of toxic, anti-foulant, (hull scraping, and application) and waste scraping

**CM6.9.ii** Such discharges, individually or collectively, have the potential to adversely affect marine communities, fisheries resources or cultural or amenity values.

**CM6.9.iii** There are obvious practical problems associated with the monitoring of discharges from mobile vessels.

**CM6.9.iv** The Resource Management (Marine Pollution) Regulations 1998 contain most of the specific rules relating to discharges from vessels. Council is responsible for enforcing the Regulations within the Nelson Coastal Marine Area.

**policy**  
**CM6.10 boat servicing**

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*Ports, boat servicing sites and marinas should possess adequate toilet and rubbish disposal facilities and facilities to accept sewage and other contaminants from vessels for disposal by approved means.*

**Explanation and Reasons**

**CM6.10.i** Large ships (both New Zealand and foreign) typically have sewage holding tanks. Most have treatment facilities in the form of chlorination and most commercial vessels discharge outside of inner coastal waters. There is potential for a problem to arise when ships are berthed in port for extended periods and, in this regard, it is essential that adequate provision be made for the pump-out and disposal of sewage. Under this Plan, the discharge of sewage to the Coastal Marine Area from vessels, whilst berthed at the Port or in a marina is not permitted. Some smaller pleasure craft possess sewage holding tanks. The policy reflects policies 5.2.1 and 5.2.2 of the New Zealand Coastal Policy Statement.

**policy**  
**CM6.11 ballast water**

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*The discharge of ballast water to coastal water should be managed in a way which avoids or minimises the risk of introducing harmful organisms or substances.*

**Explanation and Reasons**

**CM6.11.i** Council is concerned about the potential adverse effects of the introduction of new organisms through the discharge of ballast water. The Resource Management Amendment Act 1994, allows the discharge of ballast water from foreign vessels to be controlled under the RMA by way of central government regulation. National control over ballast water discharges is appropriate because impacts go beyond regional boundaries and individual ship inspections by experienced staff are necessary. The Ministry of Agriculture is the lead government agency for the control of ballast water discharges and it is intended that control be exercised by way of the border control provisions of the Biosecurity Act.

**CM6.11.ii** The discharge of contaminants or harmful substances or water to water within the Coastal Marine Area is controlled or authorised by way of the Resource Management (Marine Pollution) Regulations 1998 promulgated by central government in accordance with MARPOL (the principal international convention governing the discharge of oil, noxious substances, packaged harmful substances, sewage and garbage from ships). The Council's role with respect to the discharge of contaminants or harmful substances or water to water from vessels within the Coastal Marine Area, including discharges from foreign ships, is restricted to the enforcement of these regulations.

**policy**  
**CM6.12 ship yards**

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*All vessel construction and maintenance sites should possess adequate and convenient facilities for the containment, collection, and treatment or disposal, of wastes or contaminants arising from the maintenance or repair of vessels.*

**Explanation and Reasons**

**CM6.12.i** Boat construction, maintenance and repair can result in toxic antifouling paint, heavy metals and other contaminants entering the Coastal Marine Area by way of drainage from hardstand areas. The Resource Management Act does not countenance the discharge of contaminants with the potential to have significant adverse effects on aquatic life.

**policy**  
**CM6.13 spill contingency plans**

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*Contingency plans and response procedures should be developed and other measures adopted to reduce the risks, and possible effects, of any spillage or emergency discharge of environmentally damaging substances to the Coastal Marine Area.*

**Explanation and Reasons**

**CM6.13.i** Contingency planning is a management tool for dealing with unplanned events or emergencies which may lead to an unauthorised discharge. For example, the discharge of petroleum from a ruptured storage tank, sewage from a broken pipe, oil from a damaged vessel or pipeline or the spillage of chemicals at an industrial site. Such discharges can have serious adverse effects on water quality, biota and amenity values.

**policy**  
**CM6.14 public warnings - water quality degradation**

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*The public should receive adequate warning in the event of water quality being degraded to a level sufficient to pose a significant threat to public safety or health.*

**Explanation and Reasons**

**CM6.14.i** Self explanatory.

**Methods (policies CM6.1 - CM6.14)**

**CM6.14.ii** Policy CM6.1 is implemented by way of the planning process which makes provision for consultation, submission, objection and appeal.

**CM6.14.iii** Policy CM6.2 will be implemented by way of rules controlling point and non-point discharges.

**CM6.14.iv** Water classifications applying to the Coastal Marine Area shall be reviewed within five years of this Plan becoming operative (policy CM6.2).

**CM6.14.v** The Council will implement policies CM6.3, CM6.4, and CM6.5 by way of rules controlling discharges, and assessment of consent applications.

- CM6.14.vi Except where provided for in this Plan as permitted activities, the Council will treat all existing discharges to the Coastal Marine Area that do not have a resource consent as discretionary or controlled activities requiring an application for a permit within one year of the date of this plan becoming operative (policy CM6.3).
- CM6.14.vii Within six months of this Plan becoming operative, the Council will review all permits to discharge contaminants into water in the coastal environment and, where the marine water quality standards are not being met, the conditions of the permit will be reviewed in accordance with sections 128-132 of the Act (policy CM6.3).
- CM6.14.viii Policies CM6.6 and CM6.7 will be implemented by way of the rules in this Chapter, and the resource consent process.
- CM6.14.ix The Council will, through the resource consent process, ensure that all new residential or commercial developments within the coastal environment make adequate provision for sewage disposal (policy CM6.7).
- CM6.14.x The Council will encourage all proponents of coastal developments to undertake a thorough evaluation of options for land-based disposal of sewage and to consult with tangata whenua and community before submitting resource consent applications (policy CM6.7).
- CM6.14.xi Rules controlling stormwater discharges by reference to their effects on the quality of receiving waters within the coastal environment (policy CM6.8).
- CM6.14.xii The Council will investigate the nature, extent and sources of contamination of stormwater discharges to the Coastal Marine Area and consider possible means of reducing contaminant levels (policy CM6.8).
- CM6.14.xiii The Council will initiate an education programme to promote awareness of the adverse effects of disposing of contaminants into stormwater drains and of the available alternatives for the disposal of liquid wastes (policy CM6.8).
- CM6.14.xiv Rules in appropriate zones aimed at minimising the runoff of sediment and other suspended substances from subdivision and other activities involving disturbance of the land, to the coastal environment (policy CM6.8).
- CM6.14.xv The Council will continue to administer and enforce the rules of this plan governing the discharge of contaminants from New Zealand vessels until such time as regulations made under the Resource Management Amendment Act 1994 come into effect (policy CM6.9).
- CM6.14.xvi The Council will continue to administer the rules of this Plan relating to the dumping or incineration of waste or other matter in the Coastal Marine Area until such time as they are amended or replaced by central government regulation (policy CM6.9).
- CM6.14.xvii The Council will provide input to the development of central government regulations governing the discharge of contaminants or the dumping of wastes from vessels (policy CM6.9 and CM6.10).
- CM6.14.xviii The Council will ensure that future development of the Nelson Marina includes adequate rubbish disposal and sewage disposal facilities (policy CM6.10).
- CM6.14.xix The Council will advocate to central government that there be a mandatory requirement for sewage holding tanks or treatment systems for all vessels (policy CM6.10).
- CM6.14.xx The Council will provide information for ship and small craft operators relating to the policies and rules of this Plan governing the disposal of sewage and rubbish from vessels (policy CM6.9).
- CM6.14.xxi The Council will advocate to Government the need for a national system of controlling ballast water discharges (policy CM6.11).
- CM6.14.xxii Rules will require the owners and operators of vessel construction and maintenance facilities to take appropriate steps to contain, collect and dispose of contaminated runoff from hardstand areas. The discharge of runoff from these areas to the Coastal Marine Area will not be permitted (policy CM6.12).

- CM6.14.xxiii** The Council will encourage, and may require through the resource consent process, the owners of facilities for storing or transporting potentially hazardous materials to prepare a contingency response plan for dealing with unauthorised discharges and spills (policy CM6.13).
- CM6.14.xxiv** Rules in this Plan relating to the storage of oil, petroleum, petroleum products, or other hazardous materials require site owners to provide for the containment of such materials in the event of an accident, spill or emergency discharge (policy CM6.13).
- CM6.14.xxv** The Council will prepare and implement a joint Nelson/Tasman Regional Marine Oil Spill Contingency Plan, maintain and deploy oil spill response equipment, and appoint an On-Scene-Commander, consistent with its responsibilities under the Marine Transport Act 1994. The Oil Spill Contingency Plan will have regard to the contents of this Plan as well as the Nelson-Marlborough Conservation Management Strategy and relevant management plans (policy CM6.13).
- CM6.14.xxvi** The Council will ensure that where water quality in the coastal environment has been degraded to the extent that it is unsafe for swimming, shell fish gathering or other activities, the public will be notified by appropriate means (policy CM6.14).

## objective

### CM7 public access

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*The maintenance and enhancement of public access to and along the Coastal Marine Area.*

#### Reasons

**CM7.i** This is a matter of national importance, see section 6(d) of Resource Management Act. The objective recognises that public access is not always appropriate. See policy CM7.1, below, and DO12 (The Port of Nelson)

#### policy

##### **CM7.1 access**

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*Public access to and along the Coastal Marine Area should be maintained and enhanced, except where a restriction on access is necessary:*

- a) to protect areas of significant indigenous vegetation or significant habitats of indigenous fauna, or both; or*
- b) to protect Maori cultural values; or*
- c) to protect the health and safety of the public; or*
- d) to ensure a level of security consistent with the purpose of the resource consent; or*
- e) in other exceptional circumstances sufficient to justify the restriction, notwithstanding the national importance of maintaining that access.*

#### Explanation and Reasons

**CM7.1.i** The future is likely to see development pressures on Nelson's coastal environment. Public access needs to be maintained in the face of that pressure. The policy repeats New Zealand Coastal Policy Statement 3.5.1. It recognises the priority to be afforded unrestricted public access to and along the Coastal Marine Area but qualifies that with five exceptions to take account of other matters which the Act and practicality suggest should take priority when the circumstances arise. Exception (d) is necessary to exclude the public from areas to which they would otherwise have access, in order to protect the security of operations which have resource consents granted in respect of those areas. This is particularly relevant to activities which extend across the land/water interface, eg. within the port industrial area where health and safety issues may occur. Refer to Chapter 5, policy DO6.1.5 (access to Coastal Marine Area) regarding pedestrian access to specific areas of the coast.

**CM7.1.ii** Exception (e) recognises the difficulty of foreseeing all circumstances in which a restriction may be necessary. However, it is framed so as to require circumstances to be exceptional at a national level, as mandated by legislation or otherwise sufficient to override the national importance of unrestricted public access.

**Method**

**CM7.1.iii** Assessment of resource consents with respect to the maintenance of existing access. Restrictions may also be applied to access, in accordance with the criteria listed in this policy. The Council should consider opportunities to improve access to and along the coastline by way of:

- a) encouraging private landowners to permit public access
- b) purchasing land for roads, access strips or reserves
- c) negotiating access strips and easements
- d) encouraging and facilitating the establishment of walkways
- e) attaching conditions to resource consents
- f) providing formed access through ecologically sensitive areas where this is not detrimental to important ecological values.

**policy**

**CM7.2 occupation**

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*Exclusive occupation of space in the Coastal Marine Area should not be granted, and constraints on public access should not be imposed, unless*

- a) *there is no practical alternative, and*
- b) *the effects on public access would not be significant.*

**Explanation and Reasons**

**CM7.2.i** The policy establishes criteria which need to be satisfied before an occupation permit will be granted. The criteria are considered to be justified in light of the national priority referred to above. See also New Zealand Coastal Policy Statement policy 4.1.6.

**Method**

**CM7.2.ii** Rules regulating exclusive occupation as a discretionary or non-complying activity, assessment of alternatives, necessity, and effects on public access.

**policy**

**CM7.3 public access**

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*Adverse effects of structures on public access to and along the coastal marine area shall be avoided as far as practicable in the first instance. Where avoidance is not practical, adverse effects shall be mitigated and provision made for remedying these effects to the extent practicable.*

**Explanation and Reasons**

**CM7.3.i** Some structures eg. slipways, can improve public access to the coast. However, other types of structure eg. inappropriately designed coastal protection works, reclamations, may create obstacles to public access.

**Method**

**CM7.3.ii** Rules regulating all significant structures in relation to effects on public access.

**policy**  
**CM7.4 alternative access**

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*Where existing access to or along the Coastal Marine Area (with the exception of the port industrial area) is permanently denied or restricted as a result of a use, development or protective measures, acceptable alternative access should be provided to offset the adverse effect.*

**Explanation and Reasons**

**CM7.4.i** Self explanatory. The intent is that the person whose activities are responsible for the permanent loss of public access should provide alternative or upgraded access preferably in the same area or, if this is not possible, in a different area. The port industrial area is excluded as it is specifically addressed in policy D12.1.6 (Public access in the port area).

**Method**

**CM7.4.ii** Rules regulating provision of access and requiring financial contributions for access.

**policy**  
**CM7.5 esplanades on reclamation**

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*Esplanade reserves or esplanade strips should be set aside or created where loss of public access to the Coastal Marine Area will occur as a result of a reclamation.*

**Explanation and Reasons**

**CM7.5.i** The policy ensures that the requirements for an esplanade reserve or strip on a reclamation will be consistent with policy CM7.4 (alternative access) and that any loss of public access is taken into account.

**Method**

**CM7.5.ii** Rules regulating reclamation and requiring the creation or setting aside of esplanade reserves or strips.

**policy**  
**CM7.6 defence use**

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*Provision should be made for use of the CMA for defence purposes, provided any adverse effects are avoided, remedied or mitigated. Defence purposes are those in accordance with the Defence Act 1990.*

**Explanation and Reasons**

**CM7.6.i** Policy 4.1.5 of the New Zealand Coastal Policy Statement directs Regional Coastal Plans to make provision for the use of the CMA for defence purposes.

**Method**

**CM7.6.ii** Rules regulating the activities of the New Zealand Defence Forces in the Coastal Marine Area.

## objective

### CM8 natural hazards

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*Minimisation of the risks to people, property or other aspects of the environment, through the avoidance and mitigation of natural hazards within the coastal environment.*

#### Reasons

**CM8.i** In the past, some public authority and private property owner responses to coastal erosion have not had the desired effect and some have adversely affected amenity values and public access, or displaced the effects elsewhere.

#### policy

##### CM8.1 activities

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*Activities, including structures, within the coastal environment should be located and designed to take into account:*

- a) any existing natural hazards, and*
- b) the potential to exacerbate natural hazards, and*
- c) the implications of climate change (including the possibility of sea level rise of 0.6 metres and increasingly severe storms), and*
- d) the policy (below) on coastal protection works*

#### Explanation and Reasons

**CM8.1.i** The policy seeks to minimise future loss or damage to human life or property and to avoid the need to erect costly and potentially ineffective coastal protection works. Development in areas subject to hazards in some parts of New Zealand has led to property coming under threat and difficult choices between costly relocation or costly coastal protection works. Sea level is thought to be rising as a result of climate change and is expected to continue to rise over the next century. This Plan adopts a projected sea level rise of 0.6m in the next 100 years. This figure is based on a Ministry for the Environment (1993) estimate, and is consistent with the Regional Policy Statement. It is unlikely that the Council will allow protection works for use or developments that are carried out after the notification of this Plan and projected to be subsequently affected by sea level rise or other identified natural hazards, erosion, or inundation. A precautionary approach is considered desirable. The policy gives effect to New Zealand Coastal Policy Statement 3.4.1, 3.4.2 and 3.4.5.

#### Methods

**CM8.1.ii** Rules applying to the rural, residential and industrial zones of this Plan, in particular those governing minimum ground and floor level requirements. Rules governing coastal activities.

**CM8.1.iii** Council will draw to the attention of persons wishing to build structures or undertake other developments within the low lying areas of the coastal environment, the possibility of a sea level rise in response to global warming.

**policy**  
**CM8.2 protection works**

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*Coastal hazard protection works will be allowed only in relation to use or development of areas of the coastal environment where they are the best practicable option and the positive effects of allowing the works are likely to be significantly greater than the adverse effects. Determination of this will include consideration of:*

- a) the probability of the works achieving their stated purpose, and*
- b) the public benefit from the use or development to be protected, and*
- c) the regional and national significance of the use or development to be protected, and*
- d) the effects of the protection works on the environment, including any change in the occurrence and rate of coastal erosion, or its location, and*
- e) the effects (including costs and benefits) of not proceeding with the works, and*
- f) measures previously taken, including decisions as to the location of the use and development, to avoid the need for coastal hazard protection works, and*
- g) alternatives to the development of coastal hazard protection works, and the reasons why those alternatives have not been proceeded with.*

**Explanation and Reasons**

**CM8.2.i** The policy makes provision for coastal hazard protection works to be undertaken as a last resort, subject to full consideration of the options and likely effects of proceeding with the works.

**CM8.2.ii** It is anticipated that a demand for such works will only occur in relation to existing coastal developments. New use, development or subdivision in areas that may be adversely affected by coastal erosion or flooding should be avoided.

**policy**  
**CM8.3 temporary works**

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*Coastal erosion protection works with a duration of less than five years may be allowed if:*

- a) the proposed works are removable, and*
- b) no permanent adverse effects on the environment (in particular, foreshore loss in front, or at the ends, of sea walls) will result from the placement, use or removal of the works, and*
- c) the protection is temporary in order to provide time to prepare and implement a plan to remove or reduce coastal erosion risk without the use of further protection works.*

**Explanation and Reasons**

**CM8.3.i** Subject to this policy and an assessment under policy CM8.2, such temporary works may be allowed in circumstances where permanent protection works would not be allowed, provided that the protected asset or activity is intended to be relocated or otherwise protected.

**CM8.3.ii** The policy allows consideration of temporary coastal erosion protection works where those works are for the protection of an asset from coastal erosion while longer term management options are investigated. The intent of the policy is that the protected asset be removed, or the activity relocated, during the life of the protection works. If Council is satisfied that the requirements of policy CM8.3 are met, it will apply policy CM8.2 taking into account the temporary nature of the works and the long term protection plan, and may allow temporary works in circumstances where permanent works would not be allowed.

**Method**  
CM8.3.iii Policies CM8.2 and CM8.3 are implemented in this Plan by making the construction of natural hazard protection structures a discretionary activity and by applying the criteria in the policies when considering consent applications.

**policy**  
**CM8.4 structures**

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*Structures within the Coastal Marine Area should:*

- a) *not interact with or intercept sediment flow in a way that could increase the risk of coastal erosion or accretion*

**Explanation and Reasons**

CM8.4.i The policy places constraints on the location and design of structures and reclamations within the Coastal Marine Area. Clause (a) expresses an “ideal”. In practice, most structures will have an effect on water movement. If the effects referred to cannot be avoided, remedied or mitigated, then the structures are unlikely to be allowed.

**policy**  
**CM8.5 disturbances**

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*Disturbance of the foreshore or seabed should not remove such quantities of sediment from the onshore-offshore or longshore drift systems as to increase the risk of coastal erosion or accretion.*

**Explanation and Reasons**

CM8.5.i Disturbance of the foreshore or seabed, whether or not it involves the actual removal of sediment, can result in a shortage of sediment to protect the coastline against wave action, causing or accelerating erosion.

**Method**

CM8.5.ii Policies CM8.4 (reclamations) and CM8.5 (disturbances) will be implemented by rules regulating structures, reclamations and disturbance of the foreshore and seabed.

## **objective**

### **CM9 reclamation**

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*To avoid inappropriate reclamation within the Coastal Marine Area.*

**Explanation and Reasons**

CM9.i The objective reflects the potentially significant, and often irreversible adverse effects reclamation can have on the coastal environment. It also recognises that in some situations there may be no realistic alternative.

**policy**  
**CM9.1 reclamation**

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*Reclamation shall generally be considered inappropriate unless it can be shown to be essential for the operational needs of the port, or for roading works along designated transport routes.*

**policy**  
**CM9.2 precautionary approach**

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*A precautionary approach shall be taken towards the granting of consents, by ensuring that any new reclamations:*

- a) have an operational need to be located within the Coastal Marine Area, and*
- b) demonstrate that an existing land-based site is not practicable, and*
- c) are the minimum practicable size for the proposed use, and*
- d) are not located within estuarine areas, and*
- e) are excluded from areas where natural habitats or character will be significantly adversely affected, and*
- f) avoid, remedy, or mitigate any adverse effects, and*
- g) will not erode under wave attack or cause foreshore or seabed erosion by reflecting wave energy, and*
- h) are located and designed in a way that has regard to the inevitability of major earthquake events, and*
- i) will not interact with or intercept sediment flow in a way that could increase the risk of coastal erosion or accretion.*

**Explanation and Reasons**

**CM9.2.i** Reclamation, by its very nature, results in a loss of foreshore or seabed. It may also result in the loss of habitat, a reduction in biological productivity, or a restriction in the flow of water. This in turn may lead to sedimentation, higher concentrations of contaminants, or, in some situations, flooding.

**CM9.2.ii** In the past, reclamation of the Coastal Marine Area in Nelson has been used extensively as a means of obtaining flat land for port development and industrial purposes. The Nelson port company has given notice that they will require further land in the future for port operations. While this use is recognised as one of only few valid grounds for reclamation, providing a significant contribution to the regional economy, it must also be recognised that such works may have significant negative impacts, i.e. noise, and visual amenity, which affect both local residents and the community at large. For these reasons, it is important that any such proposal provides full opportunity for public input and comment.

**CM9.2.iii** Poorly designed reclamations may suffer significant adverse effects during a major earthquake. Even well designed reclamations are likely to be subject to more movement than basement rock during earthquakes. (This is one of the reasons why they should not be used as sites to store hazardous or dangerous materials if this can be avoided.)

## **CMe environmental results anticipated**

The following results are expected to be achieved by the foregoing objectives, policies and methods. The means of monitoring whether this Plan achieves the necessary outcomes are also detailed below:

<b>Anticipated environmental result</b>	<b>Indicators</b>	<b>Data source</b>
<b>CMe.1</b> Preservation of the natural character of the foreshore and seabed.	<b>CMe.1.1</b> The level of public complaints and/or media reports about loss of natural values in the Coastal Marine Area	Council records
<b>CMe.2</b> Intrinsic values of coastal ecosystems protected, and life-support capacity maintained.	<b>CMe.2.1</b> Flora and fauna populations, biodiversity, water quality	Fishing catch records Council research
<b>CMe.3</b> Protection of areas of significant conservation value, indigenous vegetation, habitats of indigenous fauna, and significant community types.	<b>CMe.3.1</b> Flora and fauna populations, biodiversity, water quality	Fishing catch records
<b>CMe.4</b> Indigenous vegetation protected.	<b>CMe.4.1</b> Quantities and range of indigenous and exotic plants	Fishing catch records Council research
<b>CMe.5</b> Maintenance or enhancement of amenity, recreational, landscape, cultural, educational and social values, including access.	<b>CMe.5.1</b> a) Number of people using CMA and nature of use b) Complaints, media reports	Inspection and surveys Council records
<b>CMe.6</b> Unobstructed views to or from the sea, retention of landscapes and seascapes, and improved visual amenities.	<b>CMe.6.1</b> a) Placement of structures in or near CMA b) Complaints, media reports	Inspection Council records
<b>CMe.7</b> A quiet coastal environment.	<b>CMe.7.1</b> a) Consistent application of standards and enforcement b) Complaints, media reports	Council records
<b>CMe.8</b> Structures that are related only to coastal activities.	<b>CMe.8.1</b> Consistent treatment of resource consent applications by the Council.	Council records
<b>CMe.9</b> Structures in the CMA that accommodate sea level rise and other natural hazards.	<b>CMe.9.1</b> Consistent application of standards and enforcement.	Council records
<b>CMe.10</b> Natural coastal processes are not affected by structures.	<b>CMe.10.1</b> a) Erosion and sedimentation relative to natural levels b) Complaints, media reports	Council records
<b>CMe.11</b> Water quality that supports community aspirations for use.	<b>CMe.11.1</b> a) No visual detractions from water quality b) Uses continuing in terms of classification c) Consistent enforcement of water standards	Fishing catch records Inspection Council research and files

## CMs coastal marine water quality standards schedule

(Refer to Policy CM6.2 of this Plan)

Classification	Management Purpose	Standards to apply, after reasonable mixing	Reasons																					
FEA	Fishing, fish spawning, aquatic ecosystem, aesthetic purposes. (Applies over whole of Coastal Marine Area.)	<ol style="list-style-type: none"> <li>1) The natural temperature of the water shall:               <ol style="list-style-type: none"> <li>a) not be changed by more than 2 °C, and</li> <li>b) not exceed 25 °C, and</li> </ol> </li> <li>2) The concentration of dissolved oxygen shall exceed the higher of 6mg/l or 80% saturation, and</li> <li>3) There shall be no significant adverse effects on aquatic life arising from the discharge of a contaminant into water, a pH change, the deposition of matter on the foreshore or seabed, or any other cause, and</li> <li>4) There shall be no               <ol style="list-style-type: none"> <li>a) production of any conspicuous oil or grease films, scums or foams or floatable or suspended material, and</li> <li>b) conspicuous change in the colour or visual clarity, and</li> <li>c) emission of objectionable odour in the receiving water.</li> </ol> </li> </ol>	(See reasons for policy CM6.2).																					
CR	Contact recreation	<ol style="list-style-type: none"> <li>1) The visual clarity of the water shall not be so low as to be unsuitable for bathing, and</li> <li>2) The water shall not be rendered unsuitable for bathing by the presence of contaminants, and</li> <li>3) There shall be no undesirable biological growths as a result of any discharge of a contaminant into water, and</li> <li>4) The median of samples taken over the bathing season shall not exceed 35 enterococci/100ml, and</li> <li>5) No sample, in the following areas, shall exceed the following limits.               <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Area</th> <th>Use Category</th> <th>Enterococci limit/ 100ml</th> </tr> </thead> <tbody> <tr> <td>Tahunanui (main beach)</td> <td>Designated bathing beach</td> <td>104</td> </tr> <tr> <td>Port opposite Cut Haven (at Atawhai)</td> <td>Moderate</td> <td>153</td> </tr> <tr> <td>Tahunanui (back beach)</td> <td>Light</td> <td>275</td> </tr> <tr> <td>Cable Bay</td> <td>Light</td> <td>275</td> </tr> <tr> <td>Monaco</td> <td>Light</td> <td>275</td> </tr> <tr> <td>The Glen Beach</td> <td>Light</td> <td>275</td> </tr> </tbody> </table> </li> </ol>	Area	Use Category	Enterococci limit/ 100ml	Tahunanui (main beach)	Designated bathing beach	104	Port opposite Cut Haven (at Atawhai)	Moderate	153	Tahunanui (back beach)	Light	275	Cable Bay	Light	275	Monaco	Light	275	The Glen Beach	Light	275	(See reasons for policy CM6.2).
Area	Use Category	Enterococci limit/ 100ml																						
Tahunanui (main beach)	Designated bathing beach	104																						
Port opposite Cut Haven (at Atawhai)	Moderate	153																						
Tahunanui (back beach)	Light	275																						
Cable Bay	Light	275																						
Monaco	Light	275																						
The Glen Beach	Light	275																						
SG	Shellfish gathering (offshore areas in Tasman Bay between 10-40m depth contour)	<ol style="list-style-type: none"> <li>1) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and</li> <li>2) The median faecal coliform content of samples taken over a shellfish gathering season shall not exceed 14 MPN per 100ml and not more than 10% of samples should exceed 43 MPN per 100ml.</li> </ol>	(See reasons for policy CM6.2).																					

Classification	Management Purpose	Standards to apply, after reasonable mixing	Reasons
C	Cultural values (Delaware Inlet)	1) The quality of the water shall not be altered in those characteristics which have a direct bearing on: <ol style="list-style-type: none"> <li>a) the availability of seafood, and</li> <li>b) the quality of seafood, and</li> <li>c) the spiritual values of the water, and</li> </ol> 2) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and           3) The median faecal coliform content of samples taken over a shellfish gathering season shall not exceed 14 MPN per 100ml and not more than 10% of samples should exceed 43 MPN per 100ml.	(See reasons for policy CM6.2).

## **CMi Information to be submitted with an application for a coastal permit**

The following requirements are additional to those set out in Chapter 3 for all resource consent applications.

### **CMi.1 Occupation of coastal marine area**

Any application for a coastal permit seeking rights of occupation (over and above those required for physical occupation by a structure) must include:

- a) A statement of the reason for which the foreshore or seabed is to be occupied (eg. aquaculture facilities, wharf, reclamation)
- b) An indication of the state of completion of the project (existing, partly developed, proposed)
- c) Description of proposed works, including design specifications
- d) Map reference to the site (use Infomap 260 1:50,000)
- e) An accurate location and site plan, including scale, showing position of works, local named roads, north point, boundaries and other relevant features
- f) Legal description of land at site (where applicable)
- g) A consideration of alternatives to occupation rights and demonstration of how granting rights to occupy is the most appropriate course of action to take
- h) A statement detailing any consultation with any person or organisation that might be affected by the proposal, and, including tangata whenua

### **CMi.2 Use, construction or placement of a structure**

Any application for a resource consent for use, construction or placement of any structure must, where relevant, include:

- a) a description of the activity, including the methods and materials to be used
- b) a description and map showing the location of the structure
- c) a drawing or drawings of the structure
- d) a statement regarding the proposed use of the structure and why it must be located in the Coastal Marine Area
- e) in respect of a shore protection structure, an evaluation of alternative means of mitigating the hazard
- f) when the proposed structure is a natural hazard protection work, the applicant must supply sufficient information to enable the assessment required by the relevant policies of this Plan
- g) a statement of the period of time required to complete the work associated with the activity

- h) a description of the final external appearance of the structure
- i) a statement of any proposed maintenance programme
- j) a statement of how the structure will be removed if it is no longer required, or the reasons why such removal is not warranted
- k) a description of the foreshore and seabed at the site, including fauna and flora, sediment type, details of any existing subaqueous cables, and suitability as a foundation for any structure
- l) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua
- m) a statement of the degree of exclusive occupation required, and why such exclusive occupation is required

### **CMi.3 Disturbance of foreshore or seabed**

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An application for a resource consent for any activity involving the destruction, damage, or disturbance of foreshore or seabed must, where relevant, include:

- a) a description of the activity, including the methods and materials to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a statement of the reason for the proposed activity, and 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
- d) a description of the fate of the material that is damaged, destroyed, or disturbed
- e) a description of the plants and animals found at and immediately adjacent to the site
- f) a description of public use of the site
- g) details of the geological nature of the foreshore or seabed to be damaged, destroyed, or disturbed, including the particle size distribution for unconsolidated sediments
- h) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua

### **CMi.4 Deposition of Substances on Foreshore or Seabed**

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Any application for a resource consent for an activity resulting in the deposition of substances on foreshore or seabed must, where relevant, include:

- a) a description of the activity, including the methods to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity
- d) a statement of the source of the material to be deposited
- e) in description of the plants and animals found at and immediately adjacent to the deposition site
- f) a description of public use of the site
- g) a description of the characteristics and composition of the substance to be deposited, including:
  - i) total amount and average composition
  - ii) form (for example, solid sludge, liquid or gaseous)
  - iii) 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)
  - iv) toxicity of the substance and its components
  - v) persistence - physical, chemical and biological
  - vi) accumulation and biotransformation in biological materials or sediments
  - vii) susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials
  - viii) probability of production of taints or other changes reducing marketability of resources (including fish and shellfish)

- h) a description of the characteristics of the deposition site, including:
  - i) methods of packaging and containment, if any
  - ii) initial dilution achieved by proposed method of release
  - iii) dispersal characteristics (for example, effects of currents, tides, and wind on horizontal transport and vertical mixing)
  - iv) 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)
  - v) bottom characteristics (for example, topography, geotechnical, geological, physical and chemical characteristics and biological productivity)
  - vi) existence and effects of other dumpings which have been made
    - i) a statement detailing any consultation with any person or organisation that might be affected by the proposal, and, in particular, tangata whenua

### **CMi.5 Discharges of contaminants**

An application for a resource consent for an activity involving the discharge of a contaminant or water to water in the Coastal Marine Area must, where relevant, include:

- a) a description of the activity producing the discharge, including any treatment methods to be used
- b) an accurate map at an appropriate scale showing site plan, the location of the discharge point (map reference, use Infomap 260 1:50,000) and address of discharge source, for inspection purposes
- c) legal description of land (shown on rate demand) of discharge source
- d) full description of works to be constructed, including any discharge structure
- e) a description of the nature of the discharge including, where relevant - temperature; BOD, 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; any deleterious micro-organisms
- f) Maximum daily discharge (cubic metres/day), maximum discharge rate (litres/second), and number of hours/day that discharge will occur
- g) full description of any seasonal or time-related variation in discharge strengths and volumes expected (if applicable)
- h) 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
- i) a description of maintenance requirements for equipment and structures used in the discharge
- j) 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
- k) 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
- l) In the case of a discharge of human sewage, the following points as applicable:
  - i) a statement certifying that the discharge is of a temporary nature and a description of any exceptional circumstances which justify the granting of a permit
  - ii) why such discharge would better meet the purpose of the Act than disposal on to land
- m) a statement detailing any consultation with any person or organisation that might be affected by the proposal, and, in particular, tangata whenua, and the response received

## **CMi.6 Taking, use, damming or diversion of water**

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An application for a resource consent for taking, use, damming or diversion of water in the Coastal Marine Area must, where relevant, include:

- a) reason for which water is to be taken or used or both (industry, other (specify))
- b) description of activity and locality map (use Infomap 260 1:50,000)
- c) a description of any structures, including abstraction structures
- d) an indication of the state of completion of the project (existing, partly developed, proposed)
- e) quantities of water applied for:
  - i) maximum daily quantity (cubic metres per day)
  - ii) total annual quantity (cubic metres per year)
  - iii) maximum abstraction rate (litres per second)
- f) where application relates to activity within an estuary, demonstrate the need for volumes of water sought
- g) indicate what alternative water supplies or water collection or storage methods have been considered to meet this need and the suitability or otherwise of the alternatives

## **CMi.7 Reclamations**

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An application for a resource consent to reclaim or drain foreshore or seabed must, where relevant, include:

- a) a description of the activity including the methods and materials to be used
- b) 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
- c) 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
- d) a description of the Coastal Marine Area adjacent to the proposed reclamation, including the physical character, ecological values, amenity and heritage values, tangata whenua values, and existing activities
- e) a statement of the reasons why reclamation or draining is the most appropriate way of providing for the activity, 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
- f) if the reclamation is adjacent to land outside of the Coastal Marine Area, a description of land uses in the adjacent land area
- g) a description of the final external appearance of the reclamation
- h) a statement of the period of time to complete the work associated with the activity
- i) 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
- j) a statement detailing any consultation with any person or organisation that might be affected by the proposal, including, in particular, tangata whenua

**CMi.8****Introduction of exotic plants**

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An application for a resource consent for the introduction or planting of any exotic or introduced plant in the Coastal Marine Area, must, where relevant, include:

- a) a description of the activity producing the discharge, including any treatment methods to be used
- b) a map at an appropriate scale showing the location of the activity
- c) a description of the area, within a zone of influence of the site, including:
  - i) substrate characteristics
  - ii) 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
  - iii) water characteristics (effects of currents, tide and wind on potential for plant dispersal in the water column)
- d) a statement of the reason for the proposed activity, and the consequences of not undertaking the activity
- e) the characteristics of the plant, including the following where applicable:
  - i) its life cycle, including seasonal variations and favoured environments
  - ii) reproductive cycle, rate of reproduction and method of dispersal
  - iii) normal distribution of the plant outside and inside New Zealand
  - iv) interaction with indigenous flora and fauna
  - v) details about the plant's distribution in the Coastal Marine Area
- f) details about associated structures
- g) a statement detailing any consultation with any person or organisation that might be affected by the proposal.