

REGIONAL COASTAL PLAN FOR SOUTHLAND



2013





**environment
SOUTHLAND**

Te Taiao Tonga

Operative

**Regional Coastal Plan
for Southland**

**Amended based on Council and
Environment Court
Decisions, and the
Fiordland Marine Management
Act 2005**

March 2013

The Coastal Plan, except Chapter 15 (Marine Farming), became operative on 12 April 2007. The provisions in Chapter 15 (Marine Farming) were approved by Council on 10 September 2008, with Minister of Conservation providing approval on 14 February 2013. This version of the Coastal Plan became fully operative on 16 March 2013.

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Plan Change	Title	Applicable Provisions	Operative Date
1	Oreti Beach speed limit	Rules 9.1.1, 9.1.2, 9.1.3, 14.2.13 and 14.2.14.	14 December 2013
2	Vessel use in Fiordland and Stewart Island for agency, research and environmental cleanup purposes	Rules 13.2, 16.2.1 and 16.2.2 and Policy 16.2.14.	14 December 2013
3	Deep Cove mooring areas and berthage space	Policies 16.4.1, 16.4.2, 16.4.3, 16.4.4, 16.4.5 (revoked), 16.4.6, 16.4.7, 16.4.8, 16.4.9, 16.4.10 and 16.4.11.	14 December 2013
4	Lower Oreti River recreational activities	Objective 14.1.1 and Rules 14.2.7, 14.2.8, 14.2.9 and 14.2.10	8 July 2016
5	Surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point	Section 16 (from 16.1 to 16.2)	18 October 2024

RESOURCE MANAGEMENT ACT 1991

**APPROVAL (IN PART) OF THE REGIONAL COASTAL PLAN FOR
SOUTHLAND**

It is hereby certified that this is the Regional Coastal Plan for Southland.

Adopted (in part) by resolutions of the Council on:

- i) 28th day of June 2006 for all of the Regional Coastal Plan with the exception of:
 - Provisions in section 5.5 concerning aircraft landing and take-off in the coastal marine area of Fiordland
 - Provisions in section 15 concerning marine farming.
- ii) 13th day of December 2006 for the provisions in section 5.5 concerning aircraft landing and take-off in the coastal marine area of Fiordland.

The Certificates of Coastal Plan Adoption are attached.

Approved (in part): Excluding section 15 concerning marine farming.

DATED this 9th day of March 2007



.....
MINISTER OF CONSERVATION

The Regional Coastal Plan for Southland shall become Operative (in part) on
the 12 day of April 2007.

REGIONAL COASTAL PLAN FOR SOUTHLAND

Certificate of Coastal Plan Adoption

This is a true and correct copy of the Regional Coastal Plan for Southland prepared pursuant to the Resource Management Act 1991.

Consent to the adoption of this Regional Coastal Plan with the exception of:

- Provisions in section 5.5 concerning aircraft landing and take-off in the coastal marine area of Fiordland
- Provisions in section 15 concerning marine farming

which are the subject of unresolved references, was given by the Southland Regional Council for referral to the Minister of Conservation, for his approval, on 28 June 2006.

THE COMMON SEAL of the
SOUTHLAND REGIONAL COUNCIL
was affixed pursuant to a resolution of
the Council dated 28 June 2006

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CHAIRMAN



CHIEF EXECUTIVE

REGIONAL COASTAL PLAN FOR SOUTHLAND

Certificate of Coastal Plan Adoption

This is a true and correct copy of the Regional Coastal Plan for Southland prepared pursuant to the Resource Management Act 1991.

Consent to the adoption of:

- Provisions in section 5.5 concerning aircraft landing and take-off in the coastal marine area of Fiordland

was given by the Southland Regional Council for referral to the Minister of Conservation, for his approval, on 13 December 2006.

THE COMMON SEAL of the
SOUTHLAND REGIONAL COUNCIL
was affixed pursuant to a resolution of
the Council dated 13 December 2006



Quane Hill

DEPUTY CHAIR

[Signature]

CHIEF EXECUTIVE

REGIONAL COASTAL PLAN FOR SOUTHLAND

Certificate of Coastal Plan Adoption

This is a true and correct copy of the Regional Coastal Plan for Southland prepared pursuant to the Resource Management Act 1991.

Consent to the adoption of:

- Provisions in section 15 concerning Marine Farming

was given by the Southland Regional Council for referral to the Minister of Conservation, for her approval, on 10 September 2008.

THE COMMON SEAL of the
SOUTHLAND REGIONAL COUNCIL
was affixed pursuant to a resolution of
the Council dated 10 September 2008

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CHAIRMAN



CHIEF EXECUTIVE

It is hereby certified that the provisions in section 15 concerning marine farming of the Regional Coastal Plan for Southland were approved by the Minister of Conservation by signing it on the 14th day of February 2013.



Hon Dr Nick Smith
MINISTER OF CONSERVATION

The Regional Coastal Plan for Southland shall become Operative (in full) on the 16th day of March 2013.

Regional Coastal Plan for Southland
Certificate of Coastal Plan Adoption

It is hereby certified that this is the Regional Coastal Plan for Southland.

Consent to the adoption of:


- Rules 9.1.1, 9.1.2, 9.1.3, 14.2.13 and 14.2.14 concerning Oreti Beach speed limit for temporary exclusive occupation events;
- Policy 16.2.14 and Rules 13.2, 16.2.1 and 16.2.2 concerning new vessel use in Fiordland and Stewart Island for agency, research and environmental purposes; and
- Policies 16.4.1, 16.4.2, 16.4.3, 16.4.4, 16.4.5 (revoked), 16.4.6, 16.4.7, 16.4.8, 16.4.9, 16.4.10 and 16.4.11 concerning Deep Cove mooring areas and berthage space;

was given by the Southland Regional Council for referral to the Minister of Conservation, for his approval, on 27 February 2013.


The Common Seal of the Southland Regional Council was affixed pursuant to a resolution of the Council dated 27 February 2013

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Chief Executive



Chairman

It is hereby certified that the above listed provisions to the Regional Coastal Plan for Southland were approved by the Minister of Conservation by signing it on the ~~27~~ day of ~~November~~ 2013.


Hon Dr Nick Smith
Minister of Conservation

The above listed provisions to the Regional Coastal Plan for Southland shall become operative on the ~~14th~~ day of ~~December~~ 2013.

Regional Coastal Plan for Southland

Certificate of Coastal Plan Adoption

It is hereby certified that this is the Regional Coastal Plan for Southland.

Consent to the adoption of:

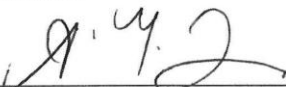
- The deletion of Policy 14.2.3 and Rules 14.2.7 and 14.2.12 and;
- The inclusion of Rules 14.2.7, 14.2.8, 14.2.9, 14.2.10 and Figure 14.2.3 concerning the Lower Oreti River recreational activity provisions

was given by the Southland Regional Council for referral to the Minister of Conservation, for his approval, on 23 March 2016.

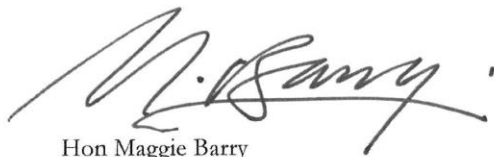
The Common Seal of the Southland Regional Council was affixed pursuant to a resolution of the Council dated 23 March 2016




Chief Executive


Chairman

It is hereby certified that the above listed provisions to the Regional Coastal Plan for Southland were approved by the Minister of Conservation by signing it on the 13 day of June 2016.



Hon Maggie Barry
Minister of Conservation

The above listed provisions to the Regional Coastal Plan for Southland shall become operative on the 8 day of July 2016.

Regional Coastal Plan for Southland
Certificate of Coastal Plan Adoption

It is hereby certified that this is the Regional Coastal Plan for Southland.

Consent to the adoption of:

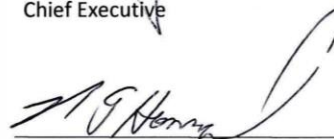
- Section 16 Introduction and Provisions through to 16.2.2 concerning surface water activities on the internal waters of Fiordland from Yates Point to Puysegur Point

was given by the Southland Regional Council for referral to the Minister of Conservation, for his approval, on 8 February 2024.

The Common Seal of the }
Southland Regional Council }
was affixed pursuant to a resolution of }
the Council dated 8 February 2024 }




Chief Executive


Chairman

It is hereby certified that the above listed provisions to the regional Coastal Plan for Southland were approved by the minister of Conservation by signing it on the following date: 19 September 2024



Hon Tama Potaka
Minster of Conservation

The above listed provisions to the Regional Coastal Plan for Southland shall become operative on the following date: 18 October 2024

Ngāi Tahu Statutory Acknowledgements

Information for Plan users and resource consent applicants

Introduction

The Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act) gives effect to the Deed of Settlement signed by the Crown and Te Runanga o Ngāi Tahu on 21 November 1997 to achieve a final settlement of Ngāi Tahu's historical claims against the Crown.

The Settlement Act includes a new instrument called a Statutory Acknowledgement. Statutory Acknowledgements recognise Ngāi Tahu's mana in relation to a range of sites and areas in the South Island, and provide for this to be reflected in the management of those areas. Statutory Acknowledgements impact upon Resource Management Act 1991 (RMA) processes concerning these areas.

What are Statutory Acknowledgements?

A Statutory Acknowledgement is an acknowledgement by the Crown of Ngāi Tahu's special relationship with identifiable areas, namely Ngāi Tahu's particular cultural, spiritual, historical, and traditional association with those areas (known as statutory areas). The statutory areas are named on the map (printed on the reverse).

What are the Purposes of Statutory Acknowledgements?

The purposes of Statutory Acknowledgements are:

- to ensure that Ngāi Tahu's particular association with certain significant areas in the South Island are identified, and that Te Runanga o Ngāi Tahu is informed when a proposal may affect one of these areas; and
- to improve the implementation of RMA processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

Who may be Affected by Statutory Acknowledgements?

You may be affected by a Statutory Acknowledgement if you are applying for a resource consent for an activity that is within, adjacent to, or impacting directly upon a statutory area.

What happens when you apply?

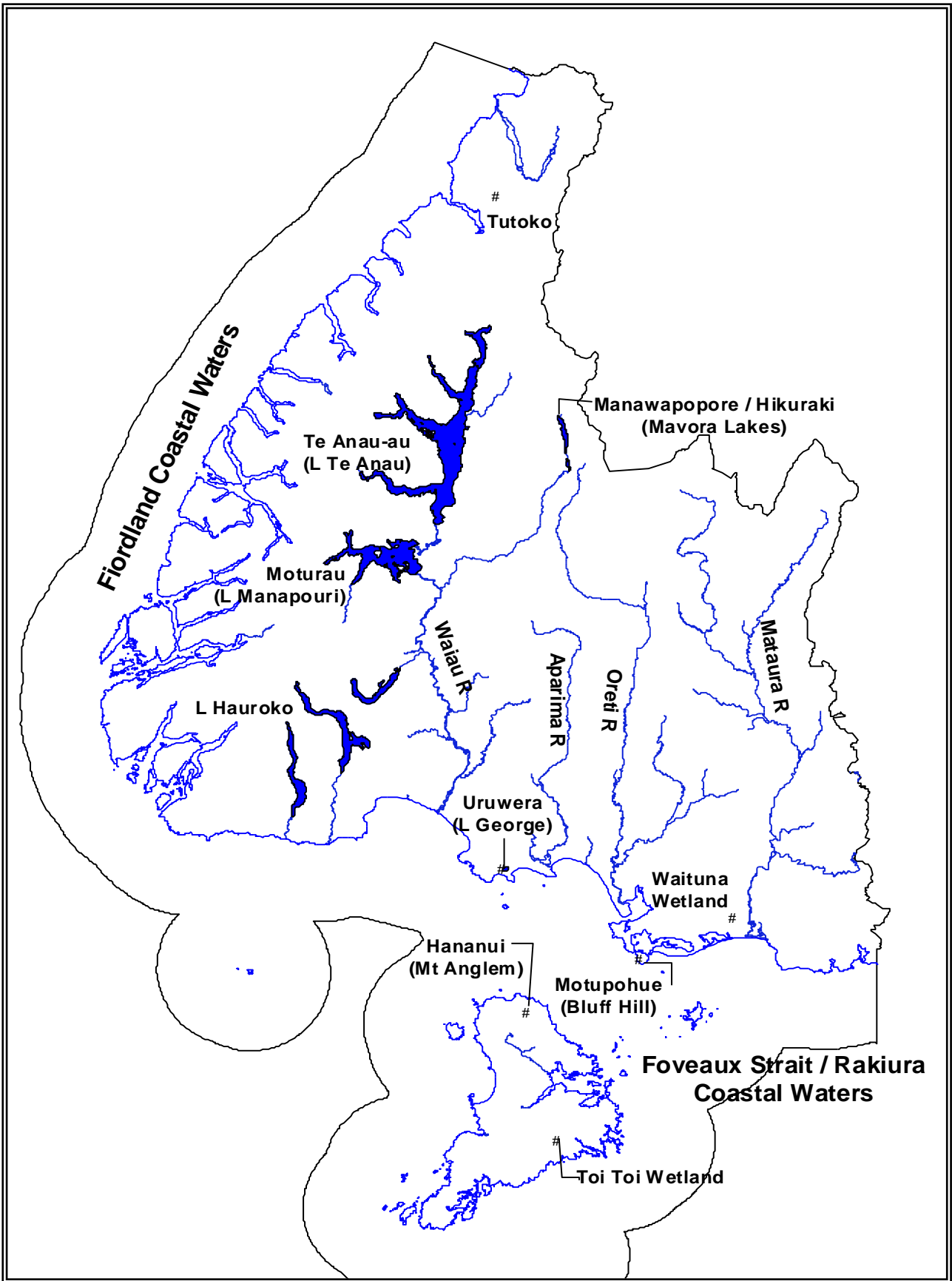
If you are applying for a resource consent for an activity within, adjacent to, or impacting directly upon a statutory area:

- the Council must send a summary of your resource consent application to Te Runanga o Ngāi Tahu; and
- the Council must have regard to the Statutory Acknowledgement in going through the process of making a decision on whether Te Runanga o Ngāi Tahu is an affected party in relation to the resource consent application.

More Information

The following pages set out the Statutory Acknowledgements as they relate to the Southland coastal marine area. You can obtain further information on Statutory Acknowledgements from:

- Policy and Planning Division, Environment Southland, corner Price Street and North Road, Invercargill
- Kaitiaki Taiao (Natural Resources) Unit, Office of Te Runanga o Ngāi Tahu, PO Box 13-046, Christchurch
- Te Ao Marama Inc., PO Box 7078, Invercargill
- Ministry for the Environment, PO Box 1345, Christchurch.



Statutory Acknowledgements

Ngai Tahu Claims Settlement Act 1998

Schedule 102

Sections 205, 312 and 313

Statutory Acknowledgement For Te Mimi O Tu Te Rakiwhanoa (Fiordland Coastal Marine Area)

Statutory Area

The statutory area to which this statutory acknowledgement applies is Te Mimi o Tu Te Rakiwhanoa (Fiordland Coastal Marine Area), the Coastal Marine Area of the Te Anau constituency of the Southland region, as shown on SO Plan 11503, Southland Land District, as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under Section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Te Mimi o Tu Te Rakiwhanoa as set out below. Ngai Tahu Association with Te Mimi o Tu Te Rakiwhanoa.

The fiords of this region represent, in tradition, the raised up sides of Te Waka o Aoraki. The waka (canoe) foundered on a submerged reef and its occupants, Aoraki and his brothers, Raraki, Rakiroa and others, were turned to stone. They stand now as the highest peaks of Ka Tiritiri o te Moana (the Southern Alps). The fiords at the southern end of the Alps were hacked out of the raised side of the wrecked waka by Tu Te Rakiwhanoa, in an effort to make it habitable by humans. The deep gouges and long waterways that make up the fiords were intended to provide safe havens on the rugged coastline, and stocked with fish, forest and birds to sustain travellers.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations, these histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Particular stretches of the coastline also have their own traditions. The visit of Tamaahua to Piopiotahi (Milford Sound) in search of Poutini, who had absconded with his wife Waitaiki, is linked to the creation of Pounamu further north on Te Tai Poutini (the West Coast). The koko-takiwai which is found in Piopiotahi has its basis in a visit to Piopiotahi by the waka Tairea. A woman, Koko-takiwai, and her children, known as Matakirikiri, were left behind by the Tairea and were turned into varieties of pounamu.

Place names along the coast record Ngai Tahu history and point to the landscape features which were significant to people for a range of reasons. For example, in his voyage around the Sounds in the waka, Takitimu, Tamatea gave the chiselled terrain the name 'Te Rua-o-te-moko', likening the deep gouges adorning the impressive cliff faces of the fiords to the tattoos on a chief's face. Martins Bay (Whakatipu-waitai or Kotuku) to the north of the fiords was the site of an old settlement, located to control the pounamu resources to be found here. An area of Doubtful Sound is known as Kahui-te-kakapo, while Dagg Sound had a canoe harbour known as Te Ra. Breaksea Island (within Breaksea Sound — Te Puaitaha) is known as Te Au Moana, referring to the ocean current that sweeps around the inlet. Cape Providence is known as Orariki, a cliff near here is called Taka-o-te-karehu-Tamatea, referring to an episode when some tattooing ink belonging to Tamatea washed overboard. Chalky Sound is known as Taiari and a rock in the Sound is known as Te Kakahu-o-Tamatea, a place where

Tamatea had his clothes spread out to dry after being drenched by the salt spray. Preservation Inlet has the name Rakituma.

The area was visited mainly by Ngati Mamoe and Ngai Tahu, who had various routes and nohoanga for the purpose of gathering koko-takiwai and manu (birds), particularly the kakapo. The area played a significant role in the history of conflict between Ngai Tahu and Ngati Mamoe, with a number of Ngati Mamoe taking refuge in the isolation of the fiords in order to escape the unforgiving attitudes of some sections of Ngai Tahu. The noted rangatira Tarewai from Otago Heads met his end here at the hands of Ngati Mamoe, having pursued them from the Otago Peninsula to Rakituma. Tarewai and his warriors were successfully ambushed by those they were pursuing, with the result that no one ever returned to Otago from this battle. Te Whare Pa in Rakitimu was the scene of one of the last major battles between Ngati Mamoe and Ngai Tahu.

Another dark piece of history occurred Te Tauraka o te Hupokeka (Anita Bay). Hupokeka and his whanau (family) regularly visited Piopiotahi, travelling from Murihiku to gather koko-takiwai, and staying at a nohoanga in Anita Bay. It was here, in the 1820s, that he and his whanau were slaughtered by sealers in retribution for an incident of which they were quite innocent.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied first by Ngati Mamoe and later by Ngai Tahu. Through conflict and alliance, these two iwi have merged in the whakapapa (genealogy) of Ngai Tahu. Battles sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers. Notable pa and nohoanga occurred in many areas on the Fiordland coast including: Milford (Lake Marchant) and Caswell Sounds; Kahui-te-kakapo (Doubtful Sound), known as the gathering place of the kakapo, in reference to the gathering of kakapo meat and feathers which was one of the key reasons that Ngai Tahu Whanui regularly travelled to the fiords; Dagg Sound gets the sun all day, and consequently is well known as a nohoanga site, it also has a good canoe harbour known as Te Ra; Rakituma is the site of several pa or nohoanga including one at Mataura and another at Te Whare Pa.

It was the koko-takiwai and kakapo which primarily attracted Ngai Tahu to Fiordland. The koko-takiwai is favoured as a softer type of pounamu, more easily shaped into a finer quality of end product. It was therefore particularly sought after for the making of ornaments, such as hei-tiki. The area also offered many other mahinga kai to sustain parties on their arduous expeditions, including a range of manu (birds), fish and kaimoana resources.

The tupuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai and other taonga, ways in which to use the resources of the area, the relationship of people with the coastline and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngai Tahu today.

There are two principal trails linking the Fiordland coast with the rest of Te Wai Pounamu (the South Island). A sea route around the fiords links Piopiotahi to Murihiku, and was the main route by which the koko-takiwai gathered from that end of the fiords was transported. The inland route for transporting koko-takiwai by backpack lay over what is now known as the Milford track, over Omanui (McKinnon Pass), down the Waitawai (Clinton River) to the head of Te Ana-au (Lake Te Anau). From there, the pounamu would be transported by mokihi to the head of the Waiau River, and from there down the Waiau to Te Ara a Kiwa (Foveaux Strait). In addition, a trail from Martins Bay, up the Hollyford Valley and over into the Routeburn Valley to the pounamu source at the head of Lake Whakatipu-wai-Maori, was commonly used by Tai Poutini iwi, who regularly travelled south via this route to obtain koko-takiwai.

Hence tauranga waka (landing places) occur up and down the coast and wherever a tauranga waka is located there is also likely to have been a nohoanga, fishing ground, kaimoana resource, with the sea trail linked to a land trail or mahinga kai resource.

The tupuna had a huge knowledge of the coastal environment and weather patterns, passed from generation to generation. This knowledge continues to be held by whanau and hapu and is regarded as taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

The fiords are the repository of many koiwi tangata, secreted away in keeping places throughout the region. There are also many other wahi tapu in the area, including examples of rock art in Chalky Sound. Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. Urupa and wahi tapu are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of Te Mimi o Tu Te Rakiwhanoa represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the area.

Purposes of Statutory Acknowledgement

Pursuant to Section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) to require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu as required by regulations made pursuant to Section 207 (clause 12.2.3 of the deed of settlement); and
- (b) to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Te Mimi o Tu Te Rakiwhanoa, as provided in Sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Te Mimi o Tu Te Rakiwhanoa as provided in Section 208 (clause 12.2.5 of the deed of settlement).

Editorial Note

It appears that the above reference to “Section 208” should be read as a reference to “Section 211” because clause 208 of the Ngai Tahu Claims Settlement Bill, relating to the use of statutory acknowledgement with submissions, became s211 of this Act.

Limitations on effect of Statutory Acknowledgement

Except as expressly provided in sections 208 to 211, 213 and 215:

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Te Mimi o Tu Te Rakiwhanoa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation, or bylaw, if this statutory acknowledgement did not exist in respect of Te Mimi o Tu Te Rakiwhanoa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Te Mimi o Tu Te Rakiwhanoa.

Schedule 104

Sections 205, 312 and 313

Statutory Acknowledgement For Rakiura/Te Ara A Kiwa (Rakiura/Foveaux Strait Coastal Marine Area)

Statutory Area

The statutory area to which this statutory acknowledgement applies is Rakiura/Te Ara a Kiwa (Rakiura/Foveaux Strait Coastal Marine Area), the Coastal Marine Area of the Hokonui and Awarua constituencies of the Southland region, as shown on SO 11505 and 11508, Southland Land District as shown on Allocation Plan NT 505 (SO 19901).

Preamble

Under Section 313, the Crown acknowledges Te Runanga o Ngai Tahu's statement of Ngai Tahu's cultural, spiritual, historic, and traditional association to Rakiura/Te Ara a Kiwa as set out below.

Ngai Tahu Association with Rakiura/Te Ara a Kiwa

Generally, the formation of the coastline of Te Wai Pounamu relates to the tradition of Te Waka o Aoraki, which foundered on a submerged reef, leaving its occupants, Aoraki and his brother to turn to stone. They are manifested now in the highest peaks of the Ka Tiritiri of Te Moana (the Southern Alps). The bays, inlets, estuaries and fiords which stud the coast are all the creations of Tu Te Rakiwhanoa, who took on the job of making the island suitable for human habitation.

The naming of various features along the coastline reflects the succession of explorers and iwi (tribes) who travelled around the coastline at various times. The first of these was Maui, who fished up the North Island, and is said to have circumnavigated Te Wai Pounamu. In some accounts the island is called Te Waka o Maui in recognition of his discovery of the new lands. A number of coastal place names are attributed to Maui, particularly on the southern coast. Maui is said to have sojourned at Omaui (at the mouth of the New River Estuary) for a year, during which time he claimed the South Island for himself. It is said that in order to keep his waka from drifting away he reached into the sea and pulled up a stone to be used as an anchor, which he named Te Puka o Te Waka o Maui (Rakiura or Stewart Island).

The great explorer, Rakaihautu, travelled overland along the coast, identifying the key places and resources. He also left many place names on prominent coastal features. When Rakaihautu's southward exploration of the island reached Te Ara a Kiwa, he followed the coastline eastwards before heading for the east coast of Otago.

Particular stretches of the coastline also have their own traditions. Foveaux Strait is known as Te Ara a Kiwa (the pathway of Kiwa), the name relating to the time when Kiwa became tired of having to cross the land isthmus which then joined Murihiku (Southland) with Rakiura (Stewart Island). Kiwa requested the obedient Kewa (whale) to chew through the isthmus and create a waterway so Kiwa could cross to and fro by waka. This Kewa did, and the crumbs that fell from his mouth are the islands in

Foveaux Strait, Solander Island being Te Niho a Kewa, a loose tooth that fell from the mouth of Kewa.

The waka Takitimu, captained by the northern rangatira (chief) Tamatea, travelled around much of the Te Wai Pounamu coast, eventually breaking its back at the mouth of the Waiou River in Murihiku. Many place names on the coast can be traced back to this voyage, including Monkey Island near Orepuki which is known as Te-Punga (or Puka)-a-Takitimu. While sailing past the cliffs at Omaui, it is said that Tamatea felt a desire to go ashore and inspect the inland, and so he turned to the helmsman and gave the order “Tarere ki whenua uta” (“swing towards the mainland”), but before they got to the shore he countermanded the order and sailed on. Subsequently, the whole area from Omaui to Bluff was given the name of Te Takiwa o Tarere ki Whenua Uta. In olden days when people from the Bluff went visiting they were customarily welcomed on to the host's marae with the call ‘haere mai koutou te iwi tarere ki whenua uta’. One of the whare at Te Rau Aroha marae in Bluff is [sic: is] also named ‘Tarere ki Whenua uta’ in memory of this event.

The Takitimu's voyage through the Strait came to an end when the waka was overcome by three huge waves, named O-te-wao, O-roko and O-kaka, finally coming to rest on a reef near the mouth of the Waiou (Waimeha). According to this tradition, the three waves continued on across the low lying lands of Murihiku, ending up as permanent features of the landscape.

For Ngai Tahu, traditions such as these represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and documents the events which shaped the environment of Te Wai Pounamu and Ngai Tahu as an iwi.

Because of its attractiveness as a place to establish permanent settlements, including pa (fortified settlements), the coastal area was visited and occupied by Waitaha, Ngati Mamoe and Ngai Tahu in succession, who through conflict and allegiance, have merged in the whakapapa (genealogy) of Ngai Tahu Whanui. Battle sites, urupa and landscape features bearing the names of tupuna (ancestors) record this history. Prominent headlands, in particular, were favoured for their defensive qualities and became the headquarters for a succession of rangatira and their followers.

The results of the struggles, alliances and marriages arising out of these migrations were the eventual emergence of a stable, organised and united series of hapu located at permanent or semi-permanent settlements along the coast, with an intricate network of mahinga kai (food gathering) rights and networks that relied to a large extent on coastal resources.

Mokamoka (Mokomoko or Mokemoke) was one such settlement, in a shallow inlet of the Invercargill estuary. It was here that Waitai was killed, the first Ngai Tahu to venture this far south, well out of the range of his own people, then resident at Taumutu. This settlement was sustained by mahinga kai taken from the estuary and adjoining coastline, including shellfish and patiki (flounder).

Oue, the mouth of the Oreti River (New River estuary), opposite Omaui, was one of the principal settlements in Murihiku. Honekai who was a principal chief of Murihiku in his time was resident at this settlement in the early 1820s, at the time of the sealers. In 1850, there were said to still be 40 people living at the kaik at Omaui under the chief Mauhe. Honekai's brother, Pukarehu, was a man who led a very quiet life, and so was little known. He is remembered, however, in the small knob in the hills above Omaui which bears his name. When he passed away he was interred in the sandhills at the south end of the Oreti Beach opposite Omaui. Oue is said to have got its name from a man Maui left to look after his interests there until his return. It was also here that the coastal track to Riverton began. From Oue to the beach the track was called Te Ara Pakipaki, then, when it reached the beach, it was called Ma Te Aweawe, finally, at the Riverton end, it was known as Mate a Waewae.

After the death of Honekai, and as a consequence of inter-hapu and inter-tribal hostilities in the Canterbury region, many inhabitants of Oue and other coastal villages

on Foveaux Strait relocated to Ruapuke Island, which became the Ngai Tahu stronghold in the south. The rangatira Pahi and Tupai were among the first to settle on the island. Pahi had previously had one of the larger and oldest pa in Murihiku at Pahi (Pahia), where 40 to 50 whare (houses) were reported in 1828. The Treaty of Waitangi was signed at Ruapuke Island by Tuhawaiki and others. No battles however occurred here, the pa Pa-raki-ao was never fully completed, due to the realisation that Te Rauparaha could not reach this far south.

Other important villages along the coast included: Te Wae Wae (Waiau), Taunoa (Orepuki), Kawakaputaputa (Wakaputa), Oraka (Colac Bay), Aparima (Riverton—named Aparima after the daughter of the noted southern rangatira Hekeia, to whom he bequeathed all of the land which his eye could see as he stood on a spot at Otaitai, just north of Riverton), Turangiteuaru, Awarua (Bluff), Te Whera, Toe Toe (mouth of the Maitai River) and Waikawa.

Rarotoka (Centre Island) was a safe haven at times of strife for the villages on the mainland opposite (Pahi, Oraka and Aparima). Numerous artefacts and historical accounts attest to Rarotoka as having a significant place in the Ngai Tahu history associated with Murihiku.

Rakiura also plays a prominent part in southern history, the 'Neck' being a particularly favoured spot. Names associated with the area include: Korako-wahine (on the western side of the peninsula), Whare-tatara (a rock), Hupokeka (Buller's Point) and Pukuheke (the point on which the lighthouse stands). Te Wera had two pa built in the area called Kaiarohaki, the one on the mainland was called Tounoa, and across the tidal strip was Ka-Turi-o-Whako.

A permanent settlement was located at Port Pegasus, at the south-eastern end of Rakiura, where numerous middens and cave dwellings remain. Permanent settlement also occurred on the eastern side of Rakiura, from the Kaik near the Neck, south to Tikotaitahi (or Tikotatahi) Bay. A pa was also established at Port Adventure.

Mahinga kai was available through access from the coastal settlements to Te Whaka-a-te-Wera (Paterson Inlet), Lords River and, particularly for waterfowl, to Toi Toi wetland. In addition, the titi islands off the north-eastern coast of the island, and at the mouth of Kopeka River and the sea fishery ensured a sound base for permanent and semi-permanent settlement, from which nohoanga operated.

Te Ara a Kiwa, the estuaries, beaches and reefs off the mainland and islands all offered a bounty of mahinga kai, with Rakiura and the titi islands being renowned for their rich resources of bird life, shellfish and wet fish. The area offered a wide range of kaimoana (sea food), including tuaki (cockles), paua, mussels, toheroa, tio (oysters), pupu (mudsnails), cod, groper, barracuda, octopus, patiki (flounders), seaweed, kina, koura (crayfish) and conger eel. Estuarine areas provided freshwater fisheries, including tuna (eels), inaka (whitebait), waikoura (freshwater crayfish), kokopu and kanakana (lamprey).

Marine mammals were harvested for whale meat and seal pups. Many reefs along the coast are known by name and are customary fishing grounds, many sand banks, channels, currents and depths are also known for their kaimoana.

A range of bird life in the coastal area also contributed to the diversity of mahinga kai resources available, including titi, seabirds such as shags and gulls, sea bird eggs, waterfowl, and forest birds such as kiwi, kaka, kakapo, weka, kukupa and tieke. A variety of plant resources were also taken in the coastal area, including raupo, fern root, ti kouka (cabbage tree), tutu juice and korari juice. Harakeke (flax) was an important resource, required for the everyday tasks of carrying and cooking kai. Black mud (paru) was gathered at Ocean Beach for use as dye. Totara bark was important for wrapping poha in, to allow safe transport of the titi harvest. Poha were made from bull kelp gathered around the rocky coast.

The numerous titi islands are an important part of the Ngai Tahu southern economy, with Taukihepa (Te Kanawera) being the largest. Titi were and are traded as far north as the North Island. The 'Hakuai' is a bird with a fearsome reputation associated with the

islands. No one has ever seen this bird, which appears at night, but it once regularly signalled the end to a birding season by its appearance at night. Known for its distinctive spine-chilling call, the hakuai was a kaitiaki that could not be ignored. At the far western edge of Foveaux Strait is Solander Island (Hau-tere), an impressive rock pinnacle rising hundreds of feet out of the sea, on which fishing and titi gathering occurred.

The coast was also a major highway and trade route, particularly in areas where travel by land was difficult. Foveaux Strait was a principal thoroughfare, with travel to and from Rakiura a regular activity. There was also regular travel between the islands Ruapuke, Rarotoka and other points.

The titi season still involves a large movement across the Strait to the islands, in addition large flotillas of Ngai Tahu once came south from as far afield as Kaikoura to exercise their mutton-birding rights. Whenua Hou (Codfish Island) and the Ruggedy Islands were important staging posts for the movement of birders to the titi islands off the south-west coast of Rakiura. Whenua Hou had everything that the birders required: shelter, proximity to the titi islands, kai moana, manu (birds) and ngahere (bush). From Whenua Hou, the birders would camp at Minititi (Ernest Island), at the end of Mason Bay, where the waka-hunua (double hulled canoes, or canoes with outriggers) were able to moor safely, ready for the final movement to the various titi islands. Waka-hunua were an important means of transport on the dangerous and treacherous waters of Foveaux Strait and the Rakiura coast. After dropping birders and stores on the titi islands the waka hunua generally returned immediately to Aparima and other tauranga waka along the mainland of Foveaux Strait, due to the paucity of safe anchorages among the titi islands.

Travel by sea between settlements and hapu was common, with a variety of different forms of waka, including the southern waka hunua (double-hulled canoe) and, post-contact, whale boats plying the waters continuously. Hence tauranga waka occur up and down the coast, including spots at Pahi, Oraka and Aparima, and wherever a tauranga waka is located there is also likely to be a nohoanga (settlement), fishing ground, kaimoana resource, rimurapa (bull kelp — used to make the poha, in which titi were and still are preserved) and the sea trail linked to a land trail or mahinga kai resource. Knowledge of these areas continues to be held by whanau and hapu and is regarded as a taonga. The traditional mobile lifestyle of the people led to their dependence on the resources of the coast.

The New River estuary contains wahi tapu, as do many of the coastal dunes and estuarine complexes for the length of the Foveaux Strait. Many urupa are located on islands and prominent headlands overlooking the Strait and the surrounding lands and mountains. The rangatira Te Wera, of Huriawa fame, is buried at Taramea (Howells Point), near Riverton. There are two particularly important urupa in Colac Bay, as well as an old quarry site (Tihaka). From Colac Bay to Wakapatu, the coastal sandhills are full of middens and ovens, considered to be linked to the significant mahinga kai gathering undertaken in Lake George (Urewera). Urupa are the resting places of Ngai Tahu tupuna and, as such, are the focus for whanau traditions. These are places holding the memories, traditions, victories and defeats of Ngai Tahu tupuna, and are frequently protected in secret locations.

The mauri of the coastal area represent the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngai Tahu Whanui with the coastal area.

Purposes of Statutory Acknowledgement

Pursuant to Section 215 and without limiting the rest of this schedule, the only purposes of this statutory acknowledgement are:

- (a) to require that consent authorities forward summaries of resource consent applications to Te Runanga o Ngai Tahu as required by regulations made pursuant to Section 207 (clause 12.2.3 of the deed of settlement); and

- (b) to require that consent authorities, the Historic Places Trust, or the Environment Court, as the case may be, have regard to this statutory acknowledgement in relation to Rakiura/Te Ara a Kiwa, as provided in Sections 208 to 210 (clause 12.2.4 of the deed of settlement); and
- (c) to enable Te Runanga o Ngai Tahu and any member of Ngai Tahu Whanui to cite this statutory acknowledgement as evidence of the association of Ngai Tahu to Rakiura/Te Ara a Kiwa as provided in Section 208 (clause 12.2.5 of the deed of settlement).

Editorial Note

It appears that the above reference to “Section 208” should be read as a reference to “Section 211” because clause 208 of the Ngai Tahu Claims Settlement Bill, relating to the use of statutory acknowledgement with submissions, became s 211 of this Act.

Limitations on effect of Statutory Acknowledgement

Except as expressly provided in Sections 208 to 211, 213 and 215:

- (a) this statutory acknowledgement does not affect, and is not to be taken into account in, the exercise of any power, duty, or function by any person or entity under any statute, regulation, or bylaws; and
- (b) without limiting paragraph (a), no person or entity, in considering any matter or making any decision or recommendation under statute, regulation, or bylaw, may give any greater or lesser weight to Ngai Tahu's association to Rakiura/Te Ara a Kiwa (as described in this statutory acknowledgement) than that person or entity would give under the relevant statute, regulation or bylaw, if this statutory acknowledgement did not exist in respect of Rakiura/Te Ara a Kiwa.

Except as expressly provided in this Act, this statutory acknowledgement does not affect the lawful rights or interests of any person who is not a party to the deed of settlement.

Except as expressly provided in this Act, this statutory acknowledgement does not, of itself, have the effect of granting, creating or providing evidence of any estate or interest in, or any rights of any kind whatsoever relating to, Rakiura/Te Ara a Kiwa.

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1 INTRODUCTION

1.1 Purpose of the Regional Coastal Plan

All regional councils are required to prepare one or more regional coastal plans under Section 64 of the Resource Management Act 1991. The purpose of the Southland regional Coastal Plan is to assist the Southland Regional Council (also known as Environment Southland), in conjunction with the Minister of Conservation, to achieve the purpose of the Resource Management Act 1991 in relation to the coastal marine area of the Southland region. This Plan sets out the manner by which Environment Southland is to undertake its functions under the Resource Management Act 1991 and it only applies to the coastal marine area.

1.2 Principal Reasons

The principal reasons for adopting the objectives, policies and methods of implementation in this Plan, are:

- (i) to promote the sustainable management of the coastal marine area;
- (ii) to minimise conflicts between the users of the coastal marine area;
- (iii) to provide for the communities social, economic and cultural wellbeing; and,
- (iv) to maintain, or enhance the opportunity for future generations to enjoy and utilise the coast.

Other reasons have been included as part of the explanations to the Plan's specific objectives, policies and methods of implementation.

1.3 Structure of the Document

Section 67 of the Resource Management Act specifies the content of regional plans as follows:

- (1)
 - (a) *the objectives for the region; and*
 - (b) *the policies to implement the objectives; and*
 - (c) *the rules (if any) to implement the policies.*
- (2) *A regional plan may state-*
 - (a) *the issues that the plan seeks to address; and*
 - (b) *the methods, other than rules, for implementing the policies for the region; and*
 - (c) *the principal reasons for adopting the policies and methods; and*
 - (d) *the environmental results expected from the policies and methods; and*
 - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
 - (f) *the processes for dealing with issues-*
 - (i) *that cross local authority boundaries; or*
 - (ii) *that arise between territorial authorities; or*
 - (iii) *that arise between regions; and*
 - (g) *the information required for the purpose of the regional council's functions, powers, and duties under this Act.*
 - (h) *any other information required for the purpose of the regional council's functions, powers, and duties under this Act.*
- (3) *A regional plan must give effect to-*
 - (a) *any national policy statement; and*
 - (b) *any New Zealand coastal policy statement; and*
 - (c) *any regional policy statement*
- (4) *A regional plan must not be inconsistent with-*
 - (a) *a water conservation order; or*
 - (b) *any other regional plan for the region; or*
 - (c) *a determination or reservation of the chief executive of the Ministry of Fisheries made under Section 186E of the Fisheries Act 1996.*
- (5) *A regional plan must record how a regional council has allocated a natural resource under Section 30(1)(fa) or (fb) and (4), if the council has done so.*
- (6) *A regional plan may incorporate material by reference under Part 3 of Schedule 1.*

These matters have determined the structure and content of the various parts of this Plan.

1.3.1 Cross Referencing

For the assistance of users of this Plan, a cross referencing system has been provided. The system vertically cross reference links from Issues down through Objectives to Policies and Rules. Some vertical cross referencing has also been made where a particular policy relates to an objective in another section. For example, the policies for discharges that relate to objectives for water quality. This vertical cross referencing is shown in the margins of the document.

Cross referencing is also used to link effects-based sections and activities-oriented sections (horizontal cross referencing). In some situations it is more practicable to address effects by identifying an activity and focusing on the effects that activity has. Regardless of whether an issue has been identified in an activity-oriented or effects-based section, this Plan is focused on addressing effects. Some effects-based sections, including the sections on Fundamental Principles and General Issues, provide issues, objectives and policies that are generic to all activities. These sections should be read in conjunction with other activity oriented sections.

In some cases, an activity may produce effects that are covered by many sections in this Plan. For example, marine farming can have effects that are covered in the deposition and amenity sections. In such instances the reader will be directed to other relevant sections by horizontal cross referencing, shown in brackets below the “Explanation” with the words “See also.” It will then be possible to find objectives, policies and rules that relate to the proposal in that section by using the vertical cross referencing.

Where an activity is not specifically identified, the reader will need to have regard to several sections. For example, anyone wishing to erect a drilling platform in the coastal marine area would need to consider several sections including but not restricted to: structures, seabed and foreshore, coastal processes and protection works, navigation and safety and occupation.

The rationale for including both activity-oriented and effects-based sections is to provide greater certainty for plan users. Also, it is often necessary to deal with an activity to address its adverse effects. This system will help the reader to identify issues, objectives, policies and rules, of relevance to their proposal, in the decision making process.

Readers of the plan are asked to note that although the plan has been drafted to ensure cross references are provided, the cross referencing is not exhaustive. There may be some instances where there is a relationship between rules, policies and objectives that is not cross referenced.

Where applicable, area specific rules are shown on the maps in Appendix 3 and the figures contained within the Plan. This Plan will also be available on CD and on the internet.

1.4 Terminology

Section 2 of the Resource Management Act 1991 contains an interpretation of the terms used in that Act. That section, however, does not provide interpretation of all words and phrases used in the Act, nor all words and phrases used in this document.

Section 67 of the Act requires this Plan to contain, amongst other things, “issues”, “objectives”, “policies”, “methods” and “anticipated environmental results” (referred to in this Plan as “outcomes”). These terms are used in this Plan in the following way:

An “**issue**” is that which is viewed as a significant matter of resource management concern that needs to be resolved. If there is no values or adverse effect, then there is no issue. The extent to which those issues are significant is dependent on the values held by people and communities in relation to natural and physical resources, activities and the environment.

An “**objective**” is the resolution of a particular issue or set of issues. It is the desired result, end state, situation or condition that is aimed for.

A “**policy**” states explicitly the action that will be taken to achieve the stated objectives, i.e. a policy spells out what is going to be done.

A “**method**” is the practical action by which a policy is implemented. It is what can be done to put the policy into effect. A rule is a regulatory method.

An “**outcome**” is the anticipated environmental result of policies, methods and rules being implemented.

In some objectives and policies the phrase “avoid wherever practicable, remedy or mitigate” is used. In those objectives and policies, priority is being given to the need to avoid adverse effects. Only if this is not practicable are the options to remedy or mitigate to be used.

Six different types of activity are outlined in the rules of this Plan. They have been described below in simple terms to assist the reader who wishes to undertake an activity in the coastal marine area. This description is simply a guideline, the full legal descriptions are included in the glossary:

A “**permitted activity**” is an activity for which no resource consent is required if it complies with all the standards specified in the rule.

A “**controlled activity**” is an activity for which a resource consent must be applied for. The Regional Council will grant the consent but it may be subject to conditions.

A “**discretionary activity**” is an activity for which a resource consent must be applied for. The Regional Council has some discretion over whether it will grant the consent.

A “**non-complying activity**” is either an activity that is not specifically prohibited but contravenes a rule in a plan or proposed plan, or an activity that is provided for as a non-complying activity in the Plan. Either way a resource consent must be applied for. The Regional Council has some discretion over whether it will grant the consent. The activity must pass a more stringent test than is the case with a discretionary activity.

A “**prohibited activity**” is one that is not allowed and no application can be made.

Where Maori words and phrases are quoted from the Resource Management Act or other publications (for example the Treaty of Waitangi), then the same spelling of those words and phrases is used. In other cases, preference is given where possible to the use of the southern dialect of Maori. This is most noticeable in those words containing the letters "ng". In southern dialect it is more correct to use a "k". Examples include:

Kai Tahu rather than Ngai Tahu
Takata whenua rather than tangata whenua
Runaka rather than runanga
Mahika kai rather than mahinga kai

The common meaning of Maori words and phrases used in this document is contained in the Glossary in Appendix 1.

Use of the Southern Maori dialect is preferred over the Northern dialect in the Plan as the Plan is for the Southland region and the Southern dialect is part of this region. The New Zealand Coastal Policy Statement and the Resource Management Act 1991 use the Northern dialect and where this is used in the Plan, the Southern dialect is put in square brackets. The English interpretations of the Maori dialect are put in the glossary as it is seen as unnecessary to explain the meaning of Maori terminology during the course of the text.

1.5 Extent of this Regional Coastal Plan

1.5.1 Coastal Marine Area

The Regional Coastal Plan has effect over the coastal marine area of the Southland region. The coastal marine area is defined by Section 2 of the Resource Management Act as:

The foreshore, seabed and coastal water, and the air space above the water -

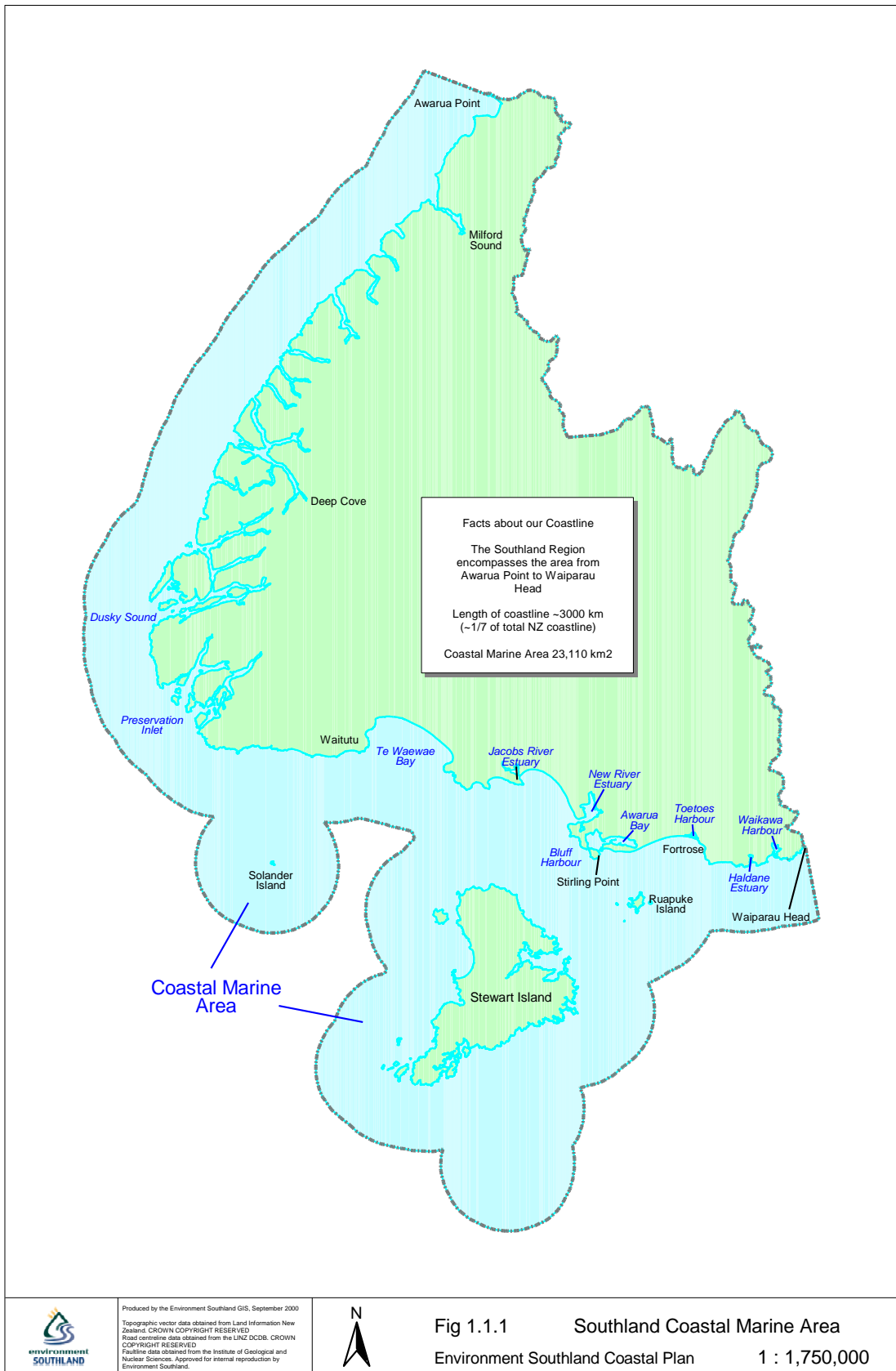
- (a) *of which the seaward boundary is the outer limits of the territorial sea;*
- (b) *of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -*
 - (i) *one kilometre upstream from the mouth of the river; or*
 - (ii) *the point upstream that is calculated by multiplying the width of the river mouth by 5;*

Southland's coastal marine area extends from the line of mean high water springs out to the 12-nautical mile territorial sea limit (22.2 kilometres) from Awarua Point to Brothers Point, as shown on Figure 1.1.1. This covers over 3,000 kilometres of coastline; approximately one seventh of New Zealand's coastline.

The Coastal Marine Area Agreement between the Minister of Conservation, Environment Southland, Invercargill City Council and Southland District Council, defines the boundary of the coastal marine area at river mouths as:

- (a) in the case of any river not referred to in (b) below, at the continuation of the line of mean high water springs of the coast across the river;
- (b) in the case of any river referred to below, the boundary of the coastal marine area for the Southland region is as described in Appendix 2 of this Plan. The rivers to which this applies are:

- Waikawa River
- Waipapa Stream
- Tokanui River
- Titiroa River
- Mataura River
- Muddy Creek
- Mokotua Stream
- Waimatua (Duck) Creek
- Clifton Channel
- Kingswell Creek
- Waihopai River
- Otepunui Creek
- Oreti River
- Waimatuku Stream
- Aparima River
- Pourakino River
- Waiiau River
- Rowallan Burn
- Waikoau River
- Wairaurahiri River
- Waitutu River
- Big River
- Seaforth River (Supper Cove)
- Coal River
- Camelot River
- Irene River
- Stillwater Creek
- Arthur River
- Cleddau River
- Harrison River
- Hollyford River
- Kaipo River
- Awarua River
- Freshwater River
- Rakeahua River
- Heron River
- Lords River
- Toitoi River
- Doughboy Creek
- Smoky River
- Yankee River
- Murray River
- Unnamed River at Maori Beach



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Fig 1.1.1 Southland Coastal Marine Area
 Environment Southland Coastal Plan 1 : 1,750,000

1.5.2 Functional Extent

Part I of the Second Schedule to the Resource Management Act allows this Plan to cover any matter relating to the use, development, or protection of the coastal marine area which a regional council has responsibility for under this Act, in conjunction with the Minister of Conservation, including the control of:

- (a) *use of the coastal marine area described in Section 12 including, where appropriate, the protection of conservation values, the recognition of opportunities for recreation, aquaculture, and other forms of development;*
- (b) *actual or potential effects of the use, development, or protection of the land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
- (c) *occupation of space on lands of the Crown or lands vested in the regional council and the extraction of sand, shingle, and other natural material from those lands;*
- (d) *activities in relation to the surface of the water;*
- (e) *discharges of contaminants into or onto land, air, or water, and discharges of water into water;*
- (ea) *dumping of waste or other matter from any ship, aircraft, or offshore installation and incineration of waste or other matter in any marine incineration facility and dumping of ships, aircraft, and offshore installations;*
- (f) *taking, using, damming, or diverting of the water;*
- (g) *any emission of noise arising from any activity referred to in paragraphs (a) to (f), and the mitigation of the effects of noise.*

1.5.3 Coastal Environment

The coastal environment covers a wider area than the coastal marine area but includes the coastal marine area as well as features landward of mean high water springs (Figure 1.5.1).

An explanation of ‘coastal environment’ is provided in the ‘Report and Decisions of the Board of Inquiry into the New Zealand Coastal Policy Statement’ as follows:

“...an environment (surrounding) in which the coast is a significant element or part, but because of Section 6(a) it now specifically includes all of the coastal marine area.” The coastal environment will vary from place to place. *It includes at least four distinct, but interrelated parts:*

- *the coastal marine area;*
- *an area of coastal dominance;*
- *an area of coastal influence;*
- *an area of coastal hinterland.*

While this Plan focuses on the sustainable management of the coastal marine area, it also recognises that management issues do not stop at administrative boundaries. Section 6(a) of the Act recognises and provides for the *“preservation of the natural character of the coastal environment (including the coastal marine area) ... and the protection of them from inappropriate subdivision, use and development”*. The rules of the plan apply only to the coastal marine area. However, the objectives and policies relating to some activities in the coastal marine area recognise that their effects can cross outside of the coastal marine area.

This Plan has tried to accommodate this by referring to integrated management and cross boundary issues when the coastal marine area is considered to be too narrow for the issue at hand. For cross boundary issues, integrated management is critical. This is when liaison and consultation with adjoining local authorities and agencies is important. Internal co-ordination of plans is also important to prevent confusion over which plan should contain the methods that address the adverse effects of a particular activity. The activity may occur on land but adverse effects may occur in the coastal marine area or vice versa. In cases where it is difficult to address the adverse effects without addressing the activity, a pragmatic approach is necessary.

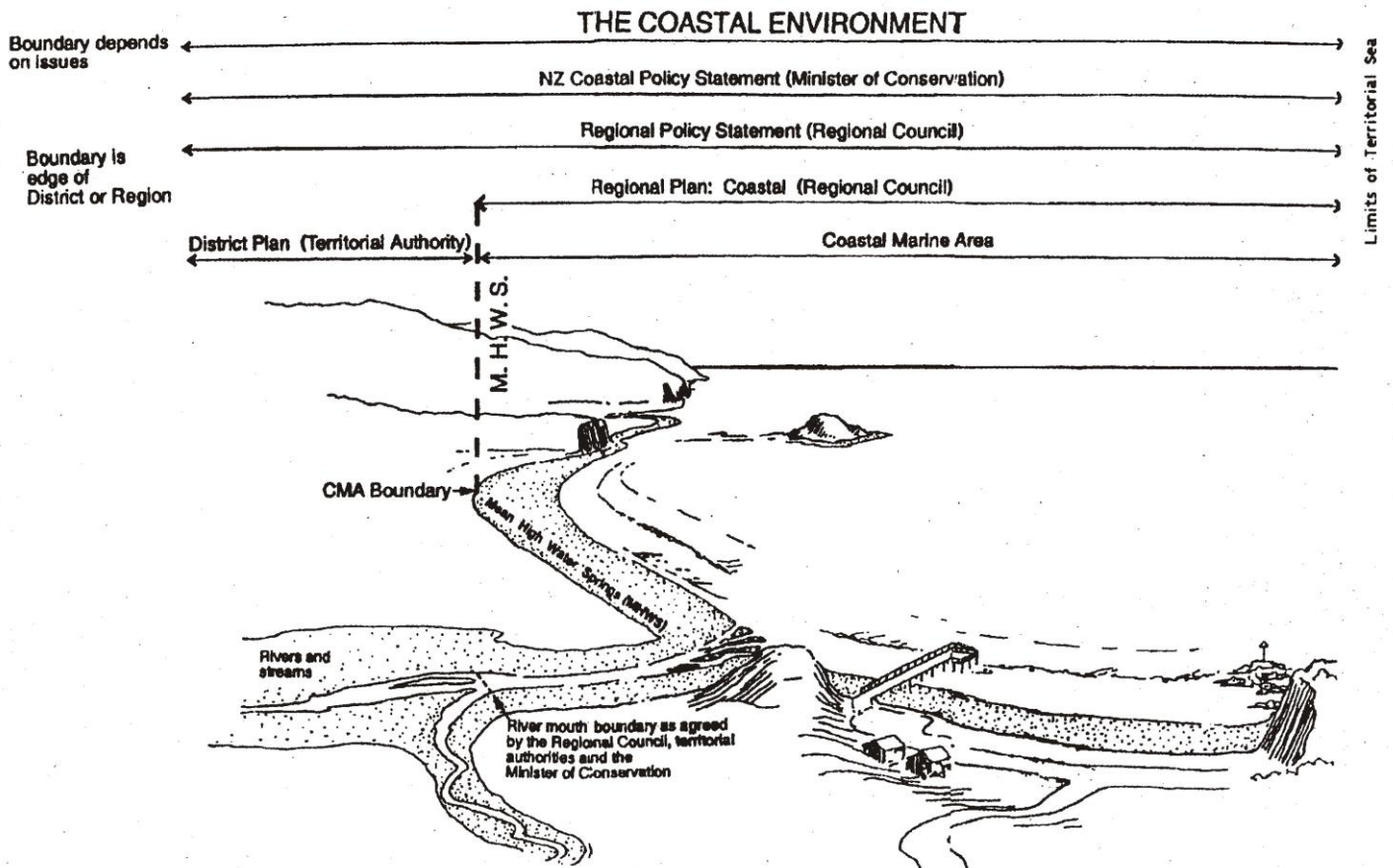


Figure 1.5.1: Administrative jurisdictions in the coastal environment

(Source: Auckland Regional Council, 1995: 1-17)

1.6 Methods of Implementation

A method is the practical action by which a policy is implemented. It is what can be done to put the policy into effect.

This Plan uses two types of methods to implement its policies: regulatory and non-regulatory. Regulatory methods control activities through the use of rules, resource consents, compliance and abatement action. Non-regulatory methods seek to implement policies and achieve objectives by using a range of “softer” methods. District plans and other regional plans contain regulatory methods, as well as non-regulatory methods, to address activities landward of the coastal marine area.

In preparing this Coastal Plan and any future changes to it, the provisions of Section 32 of the Act apply, and consideration is required as to which of the following methods should be adopted. In giving effect to the objectives and policies of the Plan, the following methods will apply. In some instances, a variety of methods will need to be adopted in order to achieve integrated management of use and development of the resources.

1.6.1 Method 1 - Enforcement

Abatement notices and enforcement orders are a means of ensuring compliance with the Resource Management Act 1991 and any rules or resource consents made or granted pursuant to the Act.

Abatement notices may be served on any person by an enforcement officer requiring something to stop or requiring the person to do something that will avoid, remedy or mitigate adverse effects of an activity. These are covered by Sections 322-325 of the Resource Management Act 1991.

Enforcement orders are issued under Section 314 of the Act. Applications for enforcement orders bring adverse effects on the environment under the control of the Environment Court, whether or not the activity is in accordance with a rule in a plan, a resource consent or existing use rights.

1.6.2 Method 2 - Advocating

Actively pursuing a course of action is sometimes required to achieve a desired outcome. For example, seeking changes to government policy or legislation, or advocating the adoption of a particular policy on matters such as ballast water. The implementation of new legislation, like the Resource Management Act 1991, often reveals inadequacies that need to be addressed nationally. Some inadequacies will be experienced by some regions more than others depending on local issues. The only way to resolve these inadequacies is for affected parties to advocate for change.

An example of advocacy is for Environment Southland to advocate appropriate subdivision, use and development in the coastal environment above MHWS to territorial authorities when preparing their plans and considering consent applications.

1.6.3 Method 3 - Assistance

In addition to economic instruments, local authorities may wish to provide other assistance to encourage certain courses of action or outcomes to be achieved. This could include provision of secretarial services, meeting facilities or staff expertise to groups or organisations which have links, or are involved in activities, which are compatible with the objectives of this document. Assistance to Estuary or Coast Care Groups or individuals to maintain and enhance the coastal environment is an example. Such enhancement could occur through fencing, land purchase, or development of interpretation facilities.

1.6.4 Method 4 - Consultation

The Resource Management Act requires consultation to be undertaken as part of the formal processes under the Act, particularly in the preparation of documents. It involves seeking information or advice from people who also have a stake in the decision. Effective consultation by the Council involves the provision of sufficient information, allowing sufficient time to consider the information given and a genuine consideration that is characterised by an open mind and a willingness to change and start again. There is a specific requirement to consult with tangata whenua. Where cross boundary issues occur, consultation with the relevant territorial authorities and/or neighbouring regional councils will occur.

There may also be situations where other organisations with a management role in the coastal marine area will need to be consulted. Consent applicants will need to ensure that their proposals do not affect wahi tapu, wahi taoka or other sites of significance to tangata whenua. This will require consultation with both the tangata whenua, Te Ao Marama Inc. and the New Zealand Archaeological Association Southland File Keeper at the Southland Museum.

Informal consultation prior to preparing plans or taking other action provides additional information and other points of view that can be taken into account. The use of working parties, circulation of draft documents, and discussions with interested parties are examples of informal consultation used during the development of this Plan.

1.6.5 Method 5 - Delegations and Transfer of Powers

The Resource Management Act enables local authorities to transfer any of their functions, powers or duties under the Act to another public authority by way of a transfer of power or delegation. Under Section 33(2), 'public authority' includes any local authority, iwi authority, government department, statutory authority, and joint committee set up for the purposes of Section 80. Potential examples include enforcement of rules controlling foreshore or surface water activities, noise and the management of areas containing high cultural values to tangata whenua. Such delegations are particularly useful where the regional council does not have a presence in estuaries or harbours, or where such values are important to tangata whenua or in remote areas. Delegations will only be contemplated following appropriate consultation with relevant authorities.

1.6.6 Method 6 - Developing Guidelines for Resource Users

For resource users, guidelines are an effective means of identifying the appropriate manner to undertake activities, so as to avoid, remedy or mitigate any potential adverse effects of those activities. For example, guidelines could relate to marine farming including handling of shell material, and port activities including washing of wharves, stormwater sump and outlet design and maintenance, clearing of log handling areas, sediment runoff from land use, noise from boats and craft, or the design of structures. Resource users are generally encouraged, rather than required, to adopt guidelines.

1.6.7 Method 7 - Economic Instruments

A range of economic instruments can be used to enable objectives to be achieved. Possible examples include coastal tendering, tradeable pollution permits, financial conditions on resource consents levies of various forms, financial contributions to offset adverse effects, subsidies and grants to achieve outcomes which may not otherwise be achieved (for example, habitat protection through fencing), rate rebates, incentives and disincentives.

1.6.8 Method 8 - Environmental Audits

Environmental audits are a method that relate to cross boundary issues such as stormwater discharges. In the case of stormwater, environmental audits could be used to identify what is being discharged into the stormwater system and consequently what ends up in the coastal marine area. Other methods may then be adopted to address any problems identified in the audit.

1.6.9 Method 9 - Information, Education and Public Awareness

This method can be used to help people understand the need for specific policies and rules, and the outcomes they are designed to achieve. It can also be used as an alternative to rules by making people aware of the adverse effects that arise from current practices and advising them of more environmentally acceptable alternatives. Examples of how awareness can be increased include newspaper articles, articles in local authority or recreational organisations' newsletters and the production of information pamphlets.

1.6.10 Method 10 - International Standards and Agreements

The adoption of International Standards and Agreements, which address environmental management systems. The standard requires the organisation to set policies and objectives, to establish systems to monitor its compliance with those policies and objectives and to demonstrate its compliance to people from outside the organisation. The standard does not necessarily remove the need for external management, but it should assist organisations to minimise their adverse effects on the environment.

1.6.11 Method 11 - Investigations and Research

Investigations and research complement monitoring and provide the factual information that is necessary to enable sound decisions to be made. Expansion of knowledge assists in avoiding in the first instance, or remedying or mitigating thereafter, the adverse effects of activities. The coastal marine area is a difficult environment to research. Consequently, there is much still to be learnt about coastal ecosystems and their vulnerability to people's activities. Consent applicants may need to undertake studies to obtain sufficient information to design and assess developments in a way which reflects the site conditions. Baseline studies may also be required to understand the actual and potential adverse effects of the activity on the natural systems of the area, as well as continuing studies to determine the effects of the activity on the coastal marine area.

1.6.12 Method 12 - Liaison

Liaison involves working together and co-operating with tangata whenua, territorial authorities, neighbouring regional councils, government agencies such as the Ministry of Fisheries, Department of Conservation and the contracted Public Health agency, organisations such as industry groups or recreation groups and research agencies. Liaison with these types of groups will help to identify adverse effects and may assist with developing strategies to avoid, remedy or mitigate those effects. Liaison between parties will promote integrated management. The main difference between liaison and consultation is that consultation is effectively an information seeking role while liaison is more of a communication role. Consultation can arise out of liaison.

1.6.13 Method 13 - Monitoring

Where there is a need to observe the impacts of activities over time, monitoring is an appropriate technique. Monitoring, however, is a means to an end and should not be

seen as a separate activity in its own right. Baseline monitoring is particularly important in areas where development is likely, or is expanding, for example Big Glory Bay.

There are five types of monitoring - state of the environment, baseline, consent compliance, complaints and plan. State of the environment monitoring can detect problem areas. Baseline monitoring establishes the initial condition of an environment as a reference point. Complaints provide an indication of public concerns which may need to be followed up with environmental monitoring. Consent compliance monitoring checks for compliance with consent conditions, and plan monitoring examines whether a plan is achieving its outcomes.

1.6.14 Method 14 - Negotiation, Facilitation, Mediation and Arbitration

There may be incidents where conflict arises between different activities occurring or wishing to occur in the same location. The parties may wish to adopt informal processes to resolve differences. Techniques can be adopted instead of, or in addition to, the formal processes under the Act. Negotiated agreements are a particularly useful method of obtaining an outcome that is satisfactory to all parties involved. Conflicts between surface water activities could be an example.

1.6.15 Method 15 - Ownership

Circumstances will arise where statutory bodies may wish to purchase a resource or site in order to obtain management control. Public mooring facilities in Harrison Cove are a potential example.

1.6.16 Method 16 - Plans, Other Documents, and Action Under Other Acts

In some instances, desired resource management outcomes may be better achieved through plans or documents prepared under legislation other than the Resource Management Act, or by taking some action under other legislation. For example, Annual Plans, Marine Reserve and Management Plans, Harbours Act 1950, Hazardous Substances and New Organisms Act 1996, Maritime Transport Act 1994, Marine Mammals Protection Act 1978, Historic Places Act 1993 and bylaws.

1.6.17 Method 17 - Promotion

Promotion is a means of encouraging the use of specific methods to achieve desired outcomes. For example, promotion of a particular way to develop one resource, or area, over another. Promotion can involve workshops, publication of information materials or use of field officers.

1.6.18 Method 18 - Protocols, Accords, Memoranda of Understanding and Codes of Practice

Protocols are formal agreements between agencies on the approach that will be adopted to address a particular issue or matter. For example, joint hearing procedures and maimai management. The protocol may be written up as a Memorandum of Understanding, or as permitted activity rules in a plan.

Accords are formal agreements with industry on the standards which sector groups will adopt in carrying out particular activities, for example, a Code of Practice for the operation of ships, especially sewage and bilge water discharges, or a code of practice for pot storage. Such codes may negate the need to implement regulatory methods.

1.6.19 Method 19 - Resource Consents

In order to assess the effects of particular activities, or to have regard to aspects of activities, the Resource Management Act provides for the lodging and processing of resource consents. The rules contained within this Plan may result in the need for certain activities to be subject to a resource consent, or for decision-making bodies to have regard to certain matters in assessing consents. Conditions can be attached to the consent to ensure that adverse environmental effects are avoided, remedied or mitigated.

1.6.20 Method 20 - Resource Groups

Resource groups are another useful method of addressing cross boundary issues such as non-point source discharges from land into water and eventually into the coastal marine area. The groups are usually comprised of land managers and tend to focus on key issues relating to land management. The concept can be broadened to include "Beach Care" or "Estuary Care" groups.

Groups such as Coast Care groups can have a significant role in raising public awareness of coastal issues and can be proactive in reducing the adverse effects of use and development of the coast.

1.6.21 Method 21 - Regional Rules

Rules specify particular classes of activity (permitted, controlled, discretionary, restricted coastal, non-complying and prohibited) depending upon the effects the activity has on the environment. Rules enable the regional council to carry out its functions under the Act and to achieve the objectives and policies of this Plan in the coastal marine area. Rules can contain standards and specific criteria to provide certainty for resource users.

1.6.22 Method 22 - Strategies

Where an overview relating to either an area, or a particular activity is desired, there is an opportunity to prepare an informal strategy document. If such a document is prepared in consultation with other affected agencies then it could be used as a means of co-ordination. A strategy to deal with the adverse effects of non-point source discharges is one example identified in this Plan. Strategies prepared by other organisations with a management role in the coastal marine area also exist. These may be referred to in developing policies for similar resources in the coastal marine area. An example of this is the Department of Conservation's Historic Resources Strategy for the Southland Conservancy.

1.6.23 Method 23 - Works and Services

The Council may wish to provide works and services to achieve desired outcomes by directly carrying out activities. Examples include: provision of engineering services such as the construction and maintenance of stopbanks, the removal of abandoned structures or the provision of public moorings. Alternatively, local authorities may wish to contract the carrying out of work to other bodies or to affected landowners.

1.6.24 Method 24 - Resource Consent Hearing Commissioner

The Council may wish to appoint a commissioner to a resource consent hearing committee when an application is likely to have significant effect on Ngai Tahu values. This commissioner will have expertise in tikaka Maori which will aid the Council in providing for Ngai Tahu values in the decision-making process.

General Comment

Attention is also drawn to the relationship between the New Zealand Coastal Policy Statement, the Regional Policy Statement, Regional Coastal Plan, other regional plans, and the Regional Council's Annual Plan.

The methods described above are of a general nature. The policy sections of this Plan contain objectives which address specific coastal management Issues, Policies which seek to achieve these objectives, and the specific methods by which the policies will be implemented. Those specific methods are to be read in addition to those above.

2 LEGISLATIVE FRAMEWORK

2.1 Part II of the Resource Management Act 1991

The purpose of the Resource Management Act, as stated in Section 5, is *to promote the sustainable management of natural and physical resources.*

“Sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while-

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

To achieve the purpose of the Act, Section 6 requires that in preparing, administering and implementing this Plan, the following matters of national importance be recognised and provided for:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Similarly, Section 7 provides that particular regard be had to:

- (a) *kaitiakitanga;*
- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*
- (d) *intrinsic values of ecosystems;*
- (e) *recognition and protection of the heritage values of sites, buildings, places, or areas;*
- (f) *maintenance and enhancement of the quality of the environment;*
- (g) *any finite characteristics of natural and physical resources;*
- (h) *the protection of the habitat of trout and salmon.*

Where relevant, the above matters contained within Sections 6 and 7 of the Act are included within the Plan. It is also necessary to have regard to these provisions in considering any resource consents that may be required.

Section 8 requires the Southland Regional Council to take into account the principles of the Treaty of Waitangi.

2.2 Restrictions on Use of the Coastal Marine Area

The Resource Management Act 1991 restricts what can be done in the coastal marine area. Section 12(1) of the Act lists activities within the coastal marine area which may not be undertaken unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.

Section 12(1) states that *“No person may, in the coastal marine area, -*

- (a) *reclaim or drain any foreshore or seabed; or*
- (b) *erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or*
- (c) *disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or*
- (d) *deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or*
- (e) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*
- (f) *introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed - unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.”*

The emphasis here is different to the approach for land based activities under the Resource Management Act. For land, any activity may be undertaken unless it is expressly disallowed in a district plan. For the coastal marine area, the opposite applies - many activities may only be undertaken if expressly allowed.

Without limiting these restrictions, Section 12(3) of the Resource Management Act provides that *“No person may carry out any activity:*

- (a) *in, on, under, or over any coastal marine area; or*
- (b) *in relation to any natural and physical resources contained within any coastal marine area – in a manner that contravenes a rule in a regional coastal plan or a proposed regional coastal plan unless the activity is expressly allowed by a resource consent or allowed by Section 20 (certain existing lawful activities allowed).”*

In relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council, Section 12(2) of the Resource Management Act states:

“No person may ...

- (a) *occupy the land and any related part of the coastal marine area; or*
- (b) *remove any sand, shingle, shell, or other natural material from the land – unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent.”*

Section 14 of the Resource Management Act lists restrictions relating to water, as follows:

- “(1) No person may take, use, dam, or divert any -*
 - (a) *water (other than open coastal water); or*
 - (b) *heat or energy from water (other than open coastal water); ...**unless the taking, use, damming, or diversion is allowed by subsection (3).*
- (2) No person may -*
 - (a) *take, use, dam, or divert any open coastal water; or*
 - (b) *take or use any heat or energy from any open coastal water, - in a manner that contravenes a rule in a regional plan or a proposed regional plan unless expressly allowed by a resource consent or allowed by section 20 (certain existing lawful activities allowed).*
- (3) A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if -*
 - (a) *the taking, use, damming, or diversion is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan or a resource consent; or ...*
 - (d) *in the case of coastal water (other than open coastal water), the water, heat, or energy is required for an individual's reasonable domestic or recreational needs and the taking, use, or diversion does not, or is not likely to, have an adverse effect on the environment; or*
 - (e) *the water is required to be taken or used for fire-fighting purposes.”*

Section 15 of the Resource Management Act deals with the discharge of contaminants. It states:

- (1) No person may discharge any -
- (a) contaminant or water into water; or
 - (b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
 - (c) contaminant from any industrial or trade premises into air; or
 - (d) contaminant from any industrial or trade premises onto or into land – unless the discharge is expressly allowed by a rule in a regional plan and in any relevant proposed regional plan, a resource consent, or regulations.
- (2) No person may discharge any contaminant into the air, or into or onto land, from-
- (a) any place; or
 - (b) any other source, whether moveable or not – in a manner that contravenes a rule in a regional plan or proposed regional plan unless the discharge is expressly allowed by section 20 (certain existing lawful activities allowed)."

Pursuant to Sections 5 and 6 of the Resource Management Amendment Act 1994, subsection 15(3) is to be inserted, as well as Sections 15A, 15B, and 15C. These provisions will come into force on a date to be appointed by the Governor-General by Order in Council. The wording of the sections are as follows:

Section 15(3) - *"This section shall not apply to anything to which Section 15A or Section 15B applies."*

Sections 15A, 15B, and 15C -

"15A. Restrictions on dumping and incineration of waste or other matter in coastal marine area -

- (1) No person may in the coastal marine area, -
- (a) dump any waste or other matter from any ship, aircraft, or offshore installation; or
 - (b) incinerate any waste or other matter in any marine incineration facility - unless the dumping or incineration is expressly allowed by a resource consent.
- (2) No person may dump, in the coastal marine area, any ship, aircraft, or offshore installation unless expressly allowed to do so by a resource consent.
- (3) Nothing in this section permits the dumping of radioactive waste or radioactive matter (to which Section 15C applies) or any discharge of a harmful substance that would contravene Section 15B.

15B. Discharges of harmful substances from ships or offshore installations -

- (1) No person may, in the coastal marine area, discharge from any ship or offshore installation any harmful substance or contaminant -
- (a) into water; or
 - (b) onto or into land; or
 - (c) into air - unless the discharge is expressly allowed by regulations.
- (2) No person may discharge from any ship or offshore installation any water into water in the coastal marine area unless the discharge is expressly allowed by regulations.

15C. Prohibitions in relation to radioactive waste or other radioactive matter and other waste in coastal marine area -

- (1) Notwithstanding anything to the contrary in this Act, no person may, in the coastal marine area, -
- (a) dump from any ship, aircraft, or offshore installation any radioactive waste or other radioactive matter; or
 - (b) store any radioactive waste or other radioactive matter or toxic or hazardous waste on or in any land or water.
- (2) In this section, -
- 'Radioactive waste or other radioactive matter' has the same meaning as in Section 256 of the Maritime Transport Act 1994;
 - 'Toxic or hazardous waste' means any waste or other matter prescribed as toxic or hazardous waste by regulations."

Section 16 of the Resource Management Act specifies that occupiers of the coastal marine area, and persons carrying out activities in the coastal marine area have a duty to avoid unreasonable noise, by adopting *the best practicable option to ensure that the emission of noise ... does not exceed a reasonable level*. This requirement does not limit the right of any local authority or consent authority to prescribe noise emission standards in plans, or on resource consents granted.

Section 17 of the Resource Management Act contains a general obligation on people to *avoid, remedy or mitigate any adverse effect on the environment arising from an activity ... whether or not the activity is in accordance with a rule in a plan, a resource consent or has existing use rights*.

It is important to clarify the role of the regional council in relation to fisheries. Section 30(2) of the Resource Management Act 1991 states that *“The functions of the regional council and the Minister of Conservation under subparagraph (i) or subparagraph (ii) or subparagraph (vii) or subsection 1(d) do not apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to use, conserve, enhance or develop any fisheries resources controlled under the Fisheries Act 1996.”* The management of fishing activities under the Resource Management Act 1991 is further limited by Sections 12(1)(c) and 12(1)(e) of the Act.

2.3 Framework

This regional plan fits within a framework of national, regional and local resource management plans and other documents as shown in Figure 2.3.1.

2.3.1 National Level

At the national level, coastal management is guided first by the provisions of the Act and secondly by the provisions of the New Zealand Coastal Policy Statement. Section 67 of the Resource Management Act specifies that this Plan shall not be inconsistent with those documents prepared at the national level.

The New Zealand Coastal Policy Statement contains a number of general principles, which the Southland Regional Council in managing the coastal environment, must have regard to:

- 1. some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to “the social, economic and cultural well-being” of “people and communities”. Functionally, certain activities can only be located on the coast or in the coastal marine area;*
- 2. the protection of the values of the coastal environment need not preclude appropriate use and development in appropriate places;*
- 3. the proportion of the coastal marine area under formal protection is very small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected;*
- 4. expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities;*
- 5. people and communities expect that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment;*
- 6. the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- 7. the coastal environment is particularly susceptible to the effects of natural hazards;*
- 8. cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible;*

9. *the tangata whenua are the kaitiaki of the coastal environment;*
10. *it is important to maintain biological and physical processes in the coastal environment in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature;*
11. *it is important to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal vegetation and fauna;*
12. *the ability to manage activities in the coastal environment sustainably is hindered by the lack of understanding about coastal processes and the effects of activities. Therefore, an approach which is precautionary but responsive to increased knowledge is required for coastal management;*
13. *a function of sustainable management of the coastal environment is to identify the parameters within which persons and communities are free to exercise choices;*
14. *the potential for adverse effects of activities to spread beyond regional boundaries may be significant in the coastal marine area.*

In addition, the New Zealand Coastal Policy Statement contains policies under the following seven chapters:

- i national priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development;
- ii the protection of the characteristics of the coastal environment of special value to the tangata whenua including waahi [wahi] tapu, tauranga waka, mahinga maataitai, and taonga raranga [taoka raraka];
- iii activities involving the subdivision, use or development of areas of the coastal environment;
- iv the Crown's interests in land of the Crown in the coastal marine area;
- v the matters to be included in any or all regional coastal plans in regard to the preservation of the natural character of the coastal environment, including the specific circumstances in which the Minister of Conservation will decide resource consents;
- vi the implementation of New Zealand's international obligations affecting the coastal environment;
- vii the procedures and methods to be used to review the policies [of the Statement] and to monitor their effectiveness.

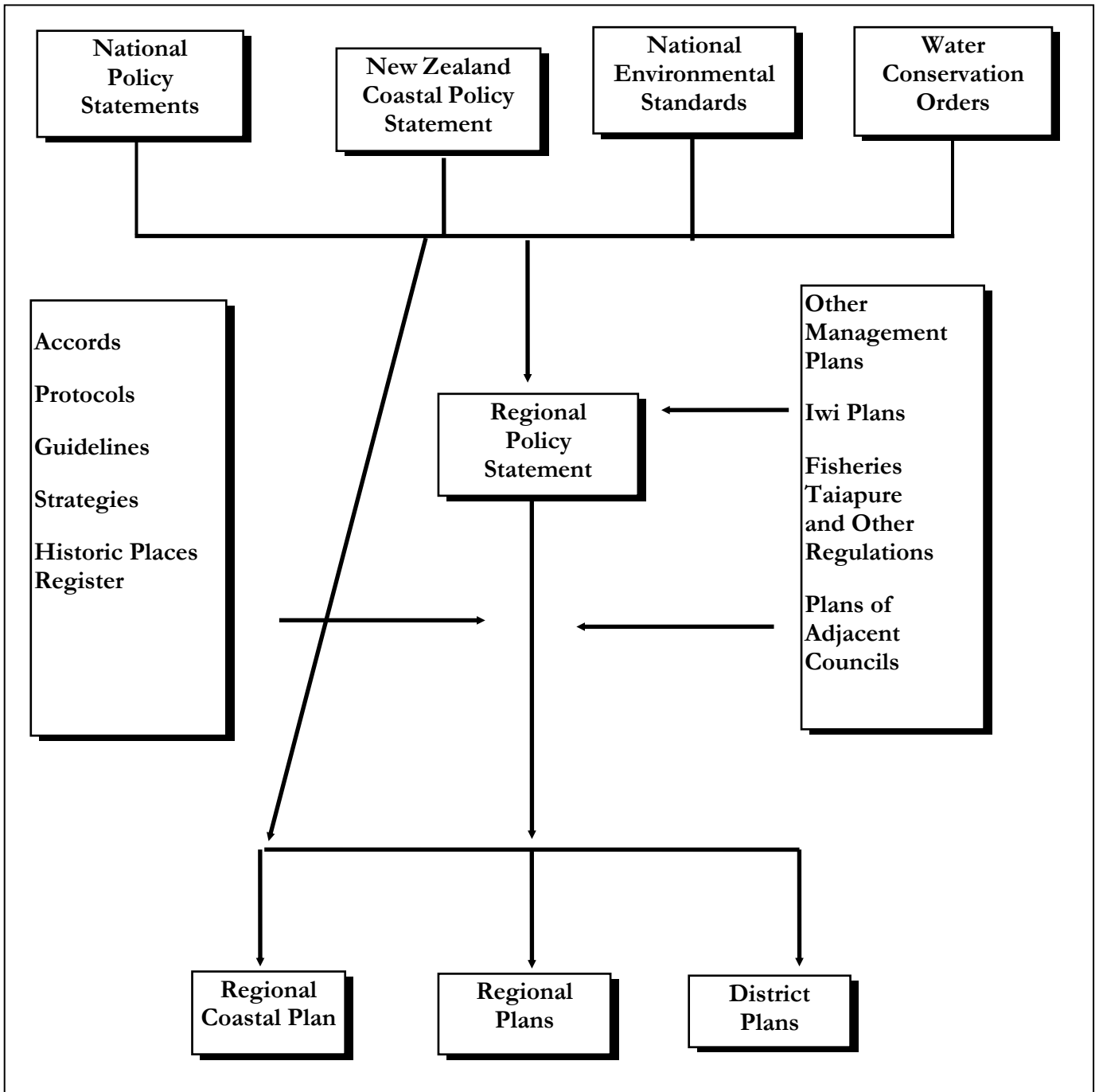


Figure 2.3.1: Resource Management Framework

2.3.2 Regional Level

At the regional level, the Regional Policy Statement provides an overview and the means of achieving integrated sustainable management of the region's natural and physical resources. It is a statement of intent as to how regional resource management issues can be addressed, and while it has statutory power it only describes, rather than prescribes, methods which could be used to attain the stated objectives.

Section 5.13 of the Proposed Regional Policy Statement for Southland sets out the resource management issues, objectives, policies, methods of implementation, outcomes, roles and monitoring with respect to the coastal environment.

There are ten Objectives for the coastal environment listed in this section of the Regional Policy Statement. They are:

1. *to preserve the natural character of the coastal environment.*
2. *to avoid, wherever practicable, remedy or mitigate any adverse effects from the use and development of the natural and physical resources within the coastal environment.*
3. *to maintain and enhance public access to, and along, the coastal marine area.*
4. *to recognise and provide for cultural, ancestral and traditional values of Maori in the management of the coastal marine area.*
5. *to facilitate integrated management of the land and coastal marine area interface.*
6. *to recognise and have regard to heritage values of sites, buildings, places or areas within the coastal environment.*
7. *to identify and protect significant conservation values within the coastal marine area.*
8. *to maintain or enhance the quality of coastal waters to a level which is suitable for -*
 - a *contact recreation;*
 - b *the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;*
 - c *the health and vitality of aquatic organisms.*
9. *to ensure that only those activities and developments that require a location in the coastal marine area are situated there.*
10. *to ensure that any exclusive or preferential occupation of the coastal marine area is necessary and fully justified.*

This Plan seeks to achieve these objectives.

2.3.3 Other Documents

In preparing this Plan, the regional council is also required (by Section 66(2) of the Resource Management Act) to have regard to management plans and strategies prepared under other Acts, Iwi management plans, relevant entries in the Historic Places Register, regulations made under the Resource Management Act and the operative and proposed policy statements and plans of adjoining regional councils. Discussions have been held with appropriate bodies to ensure, where appropriate, matters contained in these other documents have been given regard to.

Plans for the Southland region may not be inconsistent with one another or inconsistent with the Regional Policy Statement. District Plans may not be inconsistent with Regional Plans or the Regional Policy Statement.

Outside of the formal resource management framework, other documents can be prepared, such as accords, guidelines and codes of practice. Documents can also be

prepared under other legislation and outside of the function of the Southland Regional Council. Examples include the New Zealand Charter for the Conservation of Places of Cultural Heritage Value, the Conservation Management Strategies for Mainland Southland, West Otago, and Stewart Island, and the Fiordland National Park Management Plan. These types of documents can be used to achieve resource management objectives.

Also, where an area is considered to have Maori values attached to it, or where such values are unknown at a place or an area, the applicant must consult the Regional Filekeeper regarding “silent files” in the proposed area of activity before consent is given.

2.3.4 International Obligations

Chapter 6 of the New Zealand Coastal Policy Statement has a statement on the implementation of New Zealand’s international obligations affecting the coastal environment. This statement says that “where the government has accepted international obligations which affect the coastal environment, the intention is that guidelines shall be issued from time to time by the government outlining the manner in which these obligations can best be carried out and implemented.”

New Zealand is a signatory to a range of international treaties. Several of these relate to the coastal environment. For these international treaties to have any legal and practical effect, they must be ratified by the New Zealand Government and incorporated into domestic legislation such as the Resource Management Act. The following treaties have been ratified and given effect to by legislation such as the Resource Management Act, and relate to or affect the coastal environment.

Convention on Wetlands of International Importance Especially as Waterfowl Habitat, 1971 (RAMSAR Convention)

Convention for the Protection of World Cultural and Natural Heritage, 1972

Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter, 1972 (London Convention)

International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL Convention). New Zealand has not yet signed the Protocol but is likely to do so. The Maritime Transport Act 1994 will provide the legislative framework for the implementation of the Protocol.

United Nations Convention on the Law of the Sea, 1982.

Convention for the Protection of Natural Resources and Environment in the South Pacific Region by Dumping, 1986.

Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986.

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1987 (Basel Convention).

United Nations Convention on Biological Diversity, 1992.

United Nations Framework Convention on Climate Change, 1992.

United Nations Conference on Environment and Development: Agenda 21: Chapter 17 (Protection of oceans, all kinds of sea including enclosed and semi-enclosed seas, coastal areas and the protection, rational use and development of their living resources), 1992.

Rio Declaration on Environment and Development, 1992.

2.4 Coastal Marine Area Agencies

In addition to the framework provided by the Resource Management Act, the management of natural and physical resources in the coastal marine area also requires an understanding of the administrative roles of the various statutory agencies. These roles are summarised in Table 1 and are explained in detail below.

Table 1: Organisations with statutory responsibility in the coastal environment

Minister of Conservation ¹	New Zealand Coastal Policy Statement Approval of Regional Coastal Plans
Department of Conservation	Servicing the Minister of Conservation Sustainable management role (advocacy) Ensuring implementation of the New Zealand Coastal Policy Statement Marine Reserves Marine Mammal and Wildlife Protection
Minister for the Environment	Recommending the setting of regulations prescribing national environmental standards (for example for water quality)
Ministry of Fisheries	Fisheries and habitat management Fisheries permits for marine farms
Ministry of Health	Biotoxin and NSSP programmes Food Act 1981 Health Act 1956
Maritime Safety Authority	Marine Oil pollution Navigation safety – ship standards, navigation aids, shipping routes, manning requirements
Ministry of Commerce	Allocation of mineral resources
Regional Councils	Regional Policy Statements Regional Coastal Plans Coastal permits Oil pollution Regulation of surface water activity in coastal marine area
District Councils	District Plans Land use consents above mean high water springs
Historic Places Trust	Historic Places Register

2.4.1 Minister of Conservation²

In addition to preparing the New Zealand Coastal Policy Statement, the Minister of Conservation has several other key functions or roles under the Resource Management Act in managing the natural and physical resources of Southland's coast. These are:

- (a) the final approval of regional coastal plans including the Southland Regional Coastal Plan.

This process could include the Minister requiring the Southland Regional Council to amend parts of this Plan, prior to approval being given;

- (b) the statutory ability to advise the Governor-General to set aside, by Order in Council, all or any part of Southland's coastal marine area which will be subject

¹ Amended as a result of the New Zealand Coastal Policy Statement 2010

² Amended as a result of the New Zealand Coastal Policy Statement 2010

to the coastal tendering provisions of the Resource Management Act and the control of the associated tendering process.

Part VII of the Resource Management Act establishes a coastal tendering process which enables the Crown, through the Minister of Conservation, to choose between competing applicants for the same coastal space, and to maximise financial return to the Crown for the occupation and use of coastal space, or the extraction of sand, shingle and other natural material from it.

The particulars of any Order in Council made under Part VII must be endorsed on the Regional Coastal Plan or Proposed Regional Coastal Plan but the endorsement does not form part of the Plan. It does not affect existing coastal permits or activities permitted under this plan.

Under the provisions of the Conservation Act, the Minister is also responsible for the preparation of freshwater fisheries management plans.

It should also be noted that the Minister of Conservation has responsibility for cultural heritage and New Zealand historic places.

2.4.2 Department of Conservation

The Department of Conservation, as distinct from the Minister of Conservation, is responsible for the following functions in the coastal marine area:

- (a) general advocacy for the protection of conservation values under the Conservation Act 1987;
- (b) establishing and administering wildlife refuges under the Wildlife Act 1953;
- (c) establishing and administering marine reserves under the Marine Reserves Act 1971;
- (d) the protection of marine mammals under the Marine Mammals Protection Act 1978;
- (e) the protection and management of historic resources under the Conservation Act 1987 and New Zealand Historic Places Trust Act 1993.

The Department also administers marginal strips and reserved land adjacent to the coastal marine area under the Reserves Act 1977, assists with implementation of the roles of the Minister of Conservation, establishes and administers National Parks under the National Parks Act 1980, and provides an operational role under the Foreshore and Seabed Revesting Act 1990 removing dangerous or obnoxious material from the foreshores.

2.4.3 Minister for the Environment

The functions of the Minister for the Environment with regard to coastal management are:

- (a) the making of regulations prescribing national environmental standards under Section 43. The making of regulations is to be preceded by public consultation in terms of Section 44;
- (b) monitoring the relationship between the functions, powers and duties of central government and local government under Part IV (Sections 24-42);
- (c) considering and investigating the use of economic instruments (including charges, levies, other fiscal measures and incentives) to achieve the purpose of the Act;
- (d) the exercise of call-in powers if there are issues of national significance concerning any proposal to use natural or physical resources. A Board will be appointed to decide on the matter.

2.4.4 Minister of Fisheries

The Minister of Fisheries, through the Ministry of Fisheries, is responsible for the management of fisheries within the coastal marine area under the Fisheries Act 1983 and the Fisheries Act 1996 and the Treaty of Waitangi (Fisheries Claims) Settlements Act 1992. This principally involves:

- (a) the evaluation of fish stocks (population sizes) of commercially exploited species and allocation of quota under the Quota Management System;
- (b) responsibility for the establishment of taiapure and mataitai reserves (areas set aside for non-commercial traditional and customary fishing);
- (c) setting and policing daily limits and equipment restrictions for recreational fisheries;
- (d) monitoring compliance of marine farms with leases and licenses for marine farming issued under the Marine Farming Act 1971.

Any conflicts arising within and between fisheries are resolved under Section 6 of the Fisheries Act 1983 and 1996.

2.4.5 Maritime Safety Authority

The Maritime Safety Authority (formerly the Ministry of Transport Maritime Division) is responsible for:

- (a) setting and policing safety standards for ships and shipping activity;
- (b) navigation aids outside harbour limits;
- (c) co-ordinating oil spill response planning and operations;
- (d) providing harbourmaster services for the Fiordland fiords.

2.4.6 Ministry of Commerce

Under the Crown Minerals Act 1991, the Ministry of Commerce is responsible for the management and allocation of mineral resources in the coastal marine area. The Ministry may prepare a minerals programme for particular minerals. Such programmes form the basis for the allocation of rights to prospect for and mine Crown-owned minerals, and the basis for the Crown's financial return from the mining process. The preparation process is subject to public notification and submissions. Thus the allocation of rights for particular minerals is undertaken by the Crown Minerals Act, while the effects of the activity are examined under the Resource Management Act 1991, and this Plan.

2.4.7 Regional Councils

Prior to 1 October 1991, the Southland Regional Councils coastal management responsibilities were:

- (a) as a harbour board,
 - (i) the administration of harbour bylaws
 - (ii) the control of oil pollution within harbours; and
- (b) as a regional water board, the management of coastal water quality particularly in regard to the control of waste water discharges.

With the introduction of the Resource Management Act, the Southland Regional Council was given even greater responsibility for controlling the use, development, and protection of resources within Southland's coastal marine area. Specifically, in terms of the provisions of Section 30(1)(d) of the Resource Management Act, the Regional Council is now responsible in respect of any coastal marine area in the region for the control (in conjunction with the Minister of Conservation) of:

- “(i) *land and associated natural and physical resources;*

- (ii) *the occupation of space on lands of the Crown or land vested in the regional council, that is foreshore or seabed, and the extraction of sand, shingle, shell or other natural material from that land;*
- (iii) *the taking, use, damming, and diversion of water;*
- (iv) *discharges of contaminants into or onto land, air, or water and discharges of water into water;*
- (v) *any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances;*
- (vi) *the emission of noise and the mitigation of the effects of noise;*
- (vii) *activities in relation to the surface of water.”*

The purpose of the Regional Coastal Plan is to assist the Regional Council in carrying out these functions.

It should be noted that the functions of regional councils within the coastal marine area do not extend to the management of fisheries. This is made clear in Section 30(2) of the Resource Management Act, as follows:

“The functions of the regional council and the Minister of Conservation under subparagraph (i) or subparagraph (ii) or subparagraph (vii) of subsection 1(d) do not apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to use, conserve, enhance, or develop any fisheries resources controlled under the Fisheries Act 1996.”

The control of the effects of the use, development and protection of land and associated natural and physical resources in the coastal marine area, including the foreshore and seabed, is within the role of the regional council, provided that the purpose of any controls is not to use, conserve, enhance or develop any fishery.

Regional councils also have responsibility in the coastal marine area under the following enactments:

- (a) **Building Act 2004** - This requires the regional council to make provision for the control of building work, and the use and safety of structures in the coastal marine area.
- (b) **Harbours Act 1950**- This requires the regional council to continue to be responsible for navigation and safety within harbour limits. This responsibility is carried out using Harbour Bylaws prepared under that Act. There is some overlap between the powers of regional councils under the Harbours Act and their powers under the Resource Management Act. Where possible the approach adopted in this Plan is to prefer the use of Resource Management Act mechanisms rather than bylaws. The Harbours Act 1950 is currently under review. The changes which arise out of this review may affect the responsibilities of the regional council. However, until the review is complete, the regional council has harbourmaster responsibilities for Bluff, Riverton, New River Estuary and Stewart Island harbours. The Maritime Safety Authority has harbourmaster responsibilities in harbours outside of these areas, for example, the fiords.
- (c) **Historic Places Act 1993** - The Resource Management Act requires the regional council to have regard to any relevant entry in the Historic Places Register when preparing or changing a regional policy statement or regional plan (including a regional coastal plan) (Sections 61(2)(a)(iia) and 66(2)(c)(iia)) of the Resource Management Act 1991). Any consent authority receiving an application for a resource consent must notify the Historic Places Trust if the application affects any place or area on the Register (Section 93(1)(c) RMA 1991). Under Section 93(1)(c)(i) of the Resource Management Act 1991, the Historic Places Trust must also be notified if a resource consent application relates to land that is subject to a heritage order or a requirement for a heritage order or is otherwise identified in the plan as having heritage value. Administration of this Act is the responsibility of the Minister of Conservation and the New Zealand Historic Places Trust has the lead responsibility for its implementation.

- (d) **Marine Pollution Act 1974** - This Act makes provision for preventing and dealing with pollution of the sea. Under this Act, the regional council is responsible for the co-ordination of the response to contain and deal with spills of oil within harbour limits. This Act is currently under review.
- (e) **Maritime Transport Act 1994** - This Act makes regional councils responsible for responding to and managing oil spills throughout the coastal marine area of the region. Specifically, regional councils are responsible for preparing regional oil spill contingency plans and approving oil spill contingency plans for specific sites within a region.

It is recognised that other legislation may affect use and development in the coastal marine area. Resource consent applicants should consider the applicability of other statutes including:

- Biosecurity Act 1993
- Building Act 2004
- Conservation Act 1987
- Crown Minerals Act 1991
- Food Act 1981
- Fisheries Act 1983 and Fisheries Act 1996
- Hazardous Substances and New Organisms Act 1996
- Health Act 1956
- Litter Act 1979
- Local Government Act 1974
- Marine Farming Act 1971
- Marine Mammal Protection Act 1978
- Marine Reserves Act 1971
- Maritime Transport Act 1994
- National Parks Act 1980
- Reserves Act 1977
- Treaty of Waitangi Act 1975

Compliance with any other relevant legislation is also required.

The regional council also has a number of resource management responsibilities outside the coastal marine area, being water quality, air quality and waste management amongst others.

2.4.8 Territorial Authorities

Territorial authority management responsibilities within the coastal marine area are generally limited to the administration of those Local Government Act bylaws within their territorial boundaries. These generally deal with such matters as litter and dog control, and apply to foreshore sections of the coastal marine area.

Notwithstanding this, territorial authorities have a major role to play in managing resources in the wider coastal environment as they are directly responsible for the day-to-day control of any actual or potential effects of the use, development, or protection of coastal land above mean high water springs. There are cross boundary issues between the coastal marine area and adjoining land and these are addressed in Section 20 Cross boundary Issues of this Plan.

2.4.9 New Zealand Historic Places Trust

The New Zealand Historic Places Trust implements the Historic Places Act 1993 including the establishment and maintenance of a register of historic places, historic areas, wahi tapu and wahi tapu areas. Using these categories, the register identifies and recognises a variety of physical resources that reflect past human use of and presence in the environment. The register identifies important cultural landmarks and resources and is a guide, but not an exhaustive list, of those resources that are protected. The Council must have regard to the New Zealand Historic Places Trust register when preparing or changing a regional policy statement or regional plan, including the regional coastal plan.

2.4.10 Ministry of Health Under the Health Act 1956

The Ministry of Health designates officers who have a role to provide public health regulatory services. Designated Officers who are employed by a public health provider are directed by the Director General of Health to discharge the Ministry of Health's regulatory services. These include the monitoring of recreational coastal water and food gathering areas, and commercial shellfish harvesting water.

2.5 Enforcement

An enforcement order or abatement notice may be made or served under Part XII:

- (a) to require a person to cease, or prohibit a person from commencing, anything that, in the opinion of the Environment Court or an enforcement officer, is, or is likely to be, noxious, dangerous, offensive, or objectionable to such an extent that it has, or is likely to have, an adverse effect on the environment; or
- (b) to require a person to do something that, in the opinion of the Environment Court or an enforcement officer, is necessary in order to avoid, remedy, or mitigate any actual or likely adverse effect on the environment caused by, or on behalf of, that person.

Following public notification of this Plan its provisions have effect.

These provisions and any additions, deletions or modifications will formally come into full operation at a date to be determined by the Council, following the consideration of submissions lodged to the Plan and the resolution of any appeals lodged in response to the decisions of the Council on those submissions.

The Southland Regional Council is responsible for the administration and enforcement of this Plan. This will be achieved through education and by adopting the statutory procedures set out in the Resource Management Act.

Where appropriate, the Council is able to enforce the provisions of this Plan by way of abatement notices, enforcement orders and prosecutions.

2.6 Plan Effectiveness and Suitability Monitoring

Monitoring of Plans is required under Sections 35(2) and 67(1) of the Resource Management Act. Section 35(2) states that:

- (2) *Every local authority shall monitor—*
 - (a) *the state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and*
 - (b) *the suitability and effectiveness of any policy statement or plan for its region or district; and*
 - (c) *the exercise of any functions, powers, or duties delegated or transferred by it; and*
 - (d) *the exercise of the resource consents that have effect in its region or district, as the case may be,—*

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

Section 67(1) states that:

- (1) *A regional plan may make provision for such of the matters set out in Part I of the Second Schedule as are appropriate to the circumstances of the region, and shall state—*
- (a) the issues to be addressed in the plan; and*
 - (b) the objectives sought to be achieved by the plan; and*
 - (c) the policies in regard to the issues and objectives, and an explanation of those policies; and*
 - (d) the methods being or to be used to implement the policies, including any rules; and*
 - (e) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and*
 - (f) the information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used; and*
 - (g) the environmental results anticipated from the implementation of these policies and methods; and*
 - (h) the processes to be used to deal with issues which cross local authority boundaries, and issues between territorial authorities and between regions; and*
 - (i) the procedures to be used to review the matters set out in paragraphs (a) to (h) and to monitor the effectiveness of the plan as a means of achieving its objectives and policies; and*
 - (j) any other information that the regional council considers appropriate; and*
 - (k) such additional matters as may be appropriate for the purpose of fulfilling the regional council's functions, powers, and duties under this Act.*

Plan effectiveness and suitability monitoring includes monitoring:

- Plan outcomes
- Plan methods
- Plan usability

2.6.1 Plan Outcome and Effectiveness and Suitability Monitoring

2.6.1.1 Overview

One method of assessing effectiveness of the Plan involves measuring whether anticipated environmental results (outcomes) are achieved. Measuring outcomes to determine if the Plan is effective is based on the fact that:

- the objectives identify what the Plan is seeking to achieve;
- the policies set out the approach and philosophy the Council wishes to adopt for achieving those objectives;
- the methods (rules and non-regulatory methods) set out how activities need to be managed to achieve the objectives given Council's preferred approach and philosophy.
- the outcomes are the results expected from adopting the objectives, policies and methods.

Therefore, if the outcomes are being achieved, or there is measurable movement towards achieving them, then the objectives and policies are effective. As part of this assessment, the process can also identify whether or not the outcomes are achievable and therefore whether or not they are suitable.

There is an overlap between measuring achievement of the Plan's outcomes and the monitoring required for the separate development of State of the Environment (SOE) reporting. SOE monitoring includes monitoring key indicators of environmental health. Indicators such as the region's water quality are monitored under the auspices of SOE. The results of SOE monitoring are therefore a key indicator for whether or

not the Plan is effective and the most suitable mechanism, in achieving some of its outcomes. SOE monitoring also provides the opportunity to identify any cumulative effects of activities in the coastal marine area as well as providing a mechanism for assessing cross boundary issues. Cross boundary issues include the effects of management of land and fresh water resources on the coastal marine area.

There may therefore be no need to establish additional monitoring for some of the outcomes. However, collation of outcomes may indicate the need to modify the SOE monitoring programme. Similarly, the results of SOE monitoring may indicate the need to modify Plan provisions including outcomes.

It is possible that SOE monitoring may identify issues in the coastal marine area that have not been observed through monitoring outcomes, or monitoring methods. It will also be necessary to ensure that there is good communication between the people responsible for SOE monitoring and those responsible for Plan effectiveness monitoring.

2.6.1.2 Process for Monitoring Anticipated Environmental Results (Outcomes)

Each section of the Plan lists the outcomes expected from adopting the objectives, policies and methods listed in that section.

The process for monitoring the outcomes involves determining:

- what information/methodology is available to measure achievement of the outcome;
- whether the outcomes are achievable;
- whether the outcome is being achieved or whether there is progress towards achieving the outcome;
- what role the plan provisions play in achieving the outcomes;
- whether there is any significant or unanticipated effects despite achieving the outcome;
- whether there is a need to change plan provisions as a result of monitoring results.

2.6.2 Plan Method Effectiveness and Suitability Monitoring

2.6.2.1 Overview

Plan method effectiveness and suitability monitoring includes monitoring whether the plan methods (including rules):

- (i) contribute to the achievement of the anticipated environmental results (outcomes);
- (ii) allow significant adverse or unanticipated environmental effects;
- (iii) make the use and development of resources unnecessarily expensive for little or no net environmental benefit;
- (iv) are implemented in a manner that excludes/disadvantages affected parties;
- (v) have performance standards that are appropriate and effective;
- (vi) have an activity status that is appropriate and effective.

Monitoring suitability therefore incorporates elements of whether plan methods are effective.

Rules and non-regulatory methods give effect to the objectives and policies of the Plan. These methods are in the Plan to achieve the objectives and fulfil the policies set by Council. If they are successful they should achieve or contribute to the achievement of the anticipated environmental results or outcomes anticipated by the Plan.

2.6.3 Plan Usability

2.6.3.1 Overview

If the Plan provisions are to be effective in achieving the anticipated environmental outcomes, people must be able to understand and use these provisions. Staff and Councillors, the public and users of the Plan need to be consulted regarding clarity, certainty and ease of use of the Plan.

The following information needs to be obtained and recorded:

- any problems/inconsistencies with interpretation of Plan provisions (understanding what it means);
- any difficulties with:
 - deciding which provisions are applicable for which activities;
 - being able to assess if an activity can comply with performance standards;
 - lack of policy guidance for rules;
 - activities/issues that are not covered by Plan provisions;
 - determining whether or not a consent is needed;
 - understanding information requirements for application;
 - understanding rule/performance standards.

2.6.4 Implementation Process for Establishing Monitoring of the Plan

Within two years of the regional coastal plan becoming operative, the Council will have in place a strategy to implement the regime for monitoring the matters referred to in this section of the Plan.

Not all matters can be monitored every year for every Plan. Therefore, prioritisation will assist with Annual Plan proposals. Each year, a monitoring project can be prepared for each Plan stating within that financial year which provides for monitoring of:

- Outcomes
- Permitted Activities
- Consented Activities
- Non-Regulatory Activities

and what methodology was to be used.

The public will have the opportunity of commenting on these proposals. Where there are no problems/issues with what is monitored that year, those activities/outcomes/methods would go to the bottom of the list and different activities/outcomes/methods would be monitored next year. Where problems/issues are identified, additional monitoring or assessment may be needed.

Each year, SOE monitoring that provides indicators for environmental outcomes will also be reviewed.

The frequency of monitoring/reporting for each activity/outcome and the monitoring methods themselves will be established in the implementation strategy.

Feedback systems will be established and used for internal users with regard to Plan usability and complaints monitoring.

Systems will also be established to capture external users feedback.

Some funding is likely to be needed each year to incorporate feedback systems for monitoring internal and external users.

2.7 Procedures To Review And/Or Change The Plan

The objectives and policies of this Plan will not meet the needs of future generations and be relevant to the environmental circumstances of the regions for an indefinite period. For this reason, there is a need to indicate how the regional coastal plan itself will be changed and reviewed. A full review is required by Section 79 of the Act no later than 10 years after this plan becomes operative.

Any person may request a change to the regional coastal plan. Any change must be made in consultation with Ministers of the Crown, local authorities, tangata whenua, and any other persons considered appropriate. Where there are issues that cross territorial boundaries, it is possible that the two territorial authorities that have part of the region's coast as a boundary, would wish jointly to seek a change to the regional coastal plan. The procedure to be followed in changing the regional coastal plan is that set out in the First Schedule to the Act.

Any of the following could act as triggers to review and/or change the Plan:

- monitoring results from outcomes;
- monitoring results from rules;
- monitoring results from non-regulatory methods;
- SOE monitoring results;
- legislation change;
- plan change requests;
- 10 year review under Section 79 of the Act.

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3 VALUES OF THE COASTAL MARINE AREA

3.1 Purpose Of Part B

This section is primarily a description of the physical characteristics and values of particular areas of Southland's coastal region. It also describes the principal issues that pertain to these areas. These issues are addressed further in Part C of the Plan.

The purpose of this section is to give Plan users an appreciation of the environment to which the objectives, policies and methods of implementation relate. It also enables prospective resource consent applicants to gauge the potential impacts of their activity on aspects of the environment about which they are otherwise unaware.

Principle 3 of the New Zealand Coastal Policy Statement notes that the proportion of the coastal marine area under formal protection is very small, and as a consequence, management under the Resource Management Act is one important means by which the natural resources of the coastal marine area can be protected. Hence, it is necessary to identify the coastal values of the Southland region so that they can be protected by the provisions of Part II of the Resource Management Act 1991, and the New Zealand Coastal Policy Statement 1994. Identifying these values is consistent with objective 13.7 of the Regional Policy Statement.

The values of the coastal marine area are very diverse and include ecosystems, habitats, natural character, amenity, open space, landscape, biodiversity and cultural, historical, spiritual or conservation values. These values are the heritage of future generations.

3.2 Coastal Values - Awarua Point To Big River

3.2.1 Introduction

The heavily indented coastline, from Awarua Point on the northwest boundary of the Southland region to Big River on the south-west coast, is one of the most natural and scenic in New Zealand. At the same time, it is rich in heritage, and through tourism and fishing, is a major contributor to the economy of New Zealand. Most of the adjoining land is contained within the Fiordland National Park, which has been designated a World Heritage Area.

3.2.2 Marine Mammals and Birds

Fur seal colonies are common along the outer coast with several other significant colonies located on rocky shorelines or islands within fiord entrances.

The bottlenose, common and dusky dolphins can be found throughout the area. Leopard seals, elephant seals, killer whales, Southern Right whales and humpback and sperm whales can also be seen around the coastline.

Fiordland crested penguins (believed to be the world's rarest penguin), can also be found in small numbers throughout the fiord system.

The fiords are the habitat of several endangered, vulnerable, rare and threatened bird species including some that use tidal areas at fiord heads and at river mouths, for example, the blue duck and brown teal, reef heron, white heron and variable oyster catcher. The South Island Saddleback (endangered) is found on Breaksea Island, which is rat and mustelid free. Wairaki (the Outer Gilbert Islands) appear to be free of both rats and mustelids but some of these islands are vulnerable to mustelid invasion. Hawea (the Inner Gilbert Islands) are not rat free. Chalky Island in Chalky Inlet is rat free but has mustelids, and Entry Island has stoats but no rats.

Refer to Maps 1-6 in
Appendix 3

3.2.3 Ecosystems, Vegetation and Fauna Habitats

The vegetative cover of the catchments of the fiords has been minimally modified. The underwater biological communities of the fiord rock walls do not occur elsewhere along the coast of New Zealand, nor do they occur in fiords in other parts of the world. The uniqueness is brought about by the combination of climate, topography, hydrology, oceanography, vegetation and larval recruitment environment. The biological communities within the fiords require a complex set of environmental conditions for their survival and this is dependent on the preservation of the entire ecosystem. They are, therefore, highly susceptible to changing conditions.

These marine habitats and the ecosystems they support are unique in the world. The fiords are characterised by a three to four metre deep surface freshwater layer which is frequently stained by tannins. This layer restricts light penetration to the extent that many species are found at much shallower depths than elsewhere in the world. Beyond a depth of forty metres, the lack of light becomes a limiting factor and the number of organisms rapidly decreases. Only a small proportion of the northern fiords is therefore habitable by the majority of benthic organisms. This forty metre band of life around the 949 km of inner fiord rock wall equates to a finite rock wall habitat of only 38 km².

Significant fauna includes black coral colonies, which grow on the fiord rock walls, and brachiopods, of which eight species are found in Fiordland. These organisms are listed by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened, but are both relatively abundant in the fiords. Black coral, together with the red hydrocorals which grow in the fiords, are also protected under the Wildlife Act 1953. Not all fiords contain, for example, all eight species of brachiopods, and differences in the fauna found in each of the 14 fiords mean that each fiord is unique. Doubtful Sound, for example, represents the northern limit of the brachiopod *Liothyrella neozelanica*. This Sound also contains sandy slope habitats (uncommon in northern fiords) which support populations of opal fish and large sea pens, as well as being the only recorded locality of the small sea pen, *Virgulia*. The importance of the fiords is partially recognised by the marine reserves at The Gut/Te Awaatu Channel, near the entrance to Doubtful Sound and at Piopiotahi on the north wall of Milford Sound.

The Fiordland Marine Conservation Strategy document developed by the Guardians of Fiordland's Fisheries and Marine Environment¹ recommended the creation of eight additional marine reserves in Fiordland, in Sutherland, Bligh, Charles, Bradshaw, Doubtful, Breaksea, Dusky and Long Sounds. The document describes these areas (and the two other marine reserves in Fiordland) as containing "a range of habitats, communities and diversity that represent Fiordland's marine environment". In 2005, central government made these new marine reserves a reality by legislating for them through the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.²

There are also beaches which are nationally significant to conservation due to the ecosystems that they provide. These are Coal River, Big Bay, Martins Bay, Transit Beach, Poison Bay, Sutherland Sound and Catseye Bay.

¹ The Guardians comprise Ngāi Tahu, commercial and recreational fishing representatives, charter and tourism operators, and environmental and community interests, all of whom have a direct involvement in the Fiordland marine environment. The Department of Conservation, Ministry of Fisheries, Southland Regional Council, and Ministry for the Environment have provided advice and support to the group in an ex officio capacity since 2000.

² Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

3.2.4 Natural Character and Landscape Values

The entire coastline from Awarua Point to Big River is virtually unmodified by people and as such, it has extremely high value when measured in terms of natural character.

Together with the extremely high natural character of the adjoining land, the natural character of the coastline and coastal waters creates a coastal environment of outstanding and unparalleled quality internationally.

For descriptive purposes, this coastline has been subdivided into five units; Big Bay, Martins Bay, Milford, Fiords and Puysegur. (See Appendix 4, Landscape Units 22, 21, 20, 19 and 18 respectively). Within each unit, the landscape and coastal interface are significantly different, creating a variety of scenic opportunities. Common to each is a degree of wilderness value not found on most of the mainland coast within the region. Even in Milford Sound, where some reclamation has occurred to provide parking and wharf facilities, and where up to 2,000 people per day traverse the Sound by boat or aircraft, the immensity and naturalness of the landscape is sufficient to produce a feeling of isolation and remoteness in most people.

The diversion of freshwater from Lake Manapouri via the Manapouri hydro-electric power scheme into Doubtful Sound has little visual impact on the naturalness of the area, landscape experience or amenity values.

3.2.5 Areas of Significant Coastal Value

All of the open coast within one kilometre of mean high water mark and all the inner fiords from Big River to the Hollyford River have been identified by the Department of Conservation as areas containing significant values, within which national or regionally significant values have been recognised (see ACSVs 14-01, 14-02 and 14-04 in Appendix 5). Of the approximate 3,400 kilometres of coastline in the Southland region, sixty percent of it is within the above expanse.

The seaward boundary of Fiordland National Park is mean high water mark. Therefore, there is some coastal water in Fiordland National Park. Prior to 2005, there were two marine reserves within the fiords, one in Milford Sound (Piopiotahi) and the other in the Te Awaatu Channel at the Gut in Doubtful Sound.³

Over a number of years, there has been a lot of discussion concerning the creation of additional marine reserves within the internal waters of Fiordland. Among others, the New Zealand Marine Sciences Society has investigated possible options for further protection of the marine areas in Fiordland. The values of the internal waters of Fiordland are outstanding. In 2003, the Guardians of Fiordland's Fisheries and Marine Environment completed a strategy document ('the Fiordland Marine Conservation Strategy') that proposed the protection of representative areas within Fiordland by creating eight new marine reserves. This recommendation was implemented through the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.

The Fiordland Marine Conservation Strategy also identified "China Shops"—these are described as "small discrete areas that are outstanding for the abundance and/or diversity of animal communities ... mixed animal and plant communities or ... particular animal species". Of the 23 China Shops, 10 are now within the boundaries of marine reserves.⁴

³ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

⁴ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

3.2.6 Heritage and Archaeological Values

The Fiordland coast was either home to, or explored by, several early European seafarers who had a mixed relationship with the Maori they found living in the area. All the major fiords were at one time host to a permanent population much larger than that currently found in the area.

Martins Bay, to the north of the fiords, was the site of an old settlement, located to control pounamu (greenstone) resources found there. The area was mainly visited by Ngati Mamoe and Ngai Tahu, who had various routes and nohoanga (camping areas) for the purpose of gathering koko-tangiwai (a softer type of pounamu) and manu (birds), particularly the kakapo. The area played a significant role in the history of conflict between Ngai Tahu and Ngati Mamoe, with a number of Ngati Mamoe taking refuge in the isolation of the fiords. Battle sites, urupa (burial grounds) and landscape features bearing the names of tupuna (ancestors) record this history.

Dusky Sound, and, in particular, Luncheon Cove and Pickersgill Harbour, was visited for some time by Captain James Cook. Luncheon Cove was the site for the first European house and boat building. Doubtful Sound was visited by the Spanish in 1793 and was also a sealing base in the early 1800s. Preservation Inlet was the scene of early mining activity and there were several buildings there including a hotel at Cromarty. Milford Sound was important to early Maori for the greenstone/bowenite deposit at Anita Bay, and at Martins Bay, the township of Jamestown was established to service a proposed port. Pigeon Island retains part of the boat slipway used by Richard Henry and his house site.

The site of New Zealand's first recorded shipwreck, the "Endeavour", wrecked in 1795 is located in Facile Harbour in Dusky Sound. Dusky Cove contains the wreck of the Waikare, wrecked in 1910. The rusting hull of the S. S. Stella is found in Chalky Inlet. This was built in 1875 and was the first purpose-built lighthouse ship which was later used as a fish freezer base. Pigeon Island in Dusky Sound is the site of one of New Zealand's earliest efforts to use offshore islands to try and protect threatened species.

Several other important archaeological sites of Maori and European origin exist at or above mean high water mark, especially in Preservation Inlet and Dusky Sound. Preservation Inlet was the scene of early mining and timber milling activities. The heritage value of the Fiordland coastline is increasingly being recognised, so much so that it now makes a significant contribution to the experience of those who visit the area.

3.2.7 Coastal Landforms and Associated Processes

The fiords are probably the most significant coastal landform in this region and are outstanding natural features. Fiords are relatively rare worldwide but the New Zealand fiords are unique as a result of the environment within which they are located, particularly the high inflow of fresh water.

Sutherland Sound is unique in having an estuarine character as a result of the outer fiord being constricted by a sandspit. Tidal sand and mudflats are crossed by sinuous channels. Behind the flats is a deep inner basin.

The Green Islets, a spectacular arch and cave system between Puysegur Point and Big River, and nearby shore platforms are both nationally and regionally important examples of wave derived landforms.

There is also a large shallow thermal spring in Anchorage Cove, which is regionally important.

All of the coastal environment from Awarua Point to Big River exhibits to some degree its location above the point at which the Australian tectonic plate subducts beneath, and uplifts the Pacific plate. As a result of this action, the area is the most significant source of earthquakes affecting Southland and this phenomena is reflected in the scarred hillsides and rockfalls which extend all the way to the coast.

The coastal waters of Awarua Point to Big River are characterised by their great depth - 3,000-4,000 metres deep off Dagg and Breaksea Sounds.

3.2.8 Recreational and Amenity Values

The principal value of this region is the overwhelming naturalness of the environment and associated factors such as water clarity, open space, peace, quiet, isolation and remoteness, which tend to enhance any recreational experience, whether it be a diving, kayaking, sightseeing, ocean cruising or nature-watching experience. Doubtful Sound is commercially promoted as the "Sound of Silence".

The coastal waters and nearby skies are the principal highways around the Big Bay, Martins Bay and Fiordland National Park areas for people partaking in commercial or private recreational experiences and both these activities are increasing.

3.2.9 Commercial Values

The main commercial use of the area has been for fishing, tourism, hydro-electric power generation, and to a much lesser extent, whitebaiting. A significant fishing fleet operates out of Doubtful and Milford Sounds, with both having wharf facilities. Fishing boats from Bluff, Riverton and elsewhere, also operate in these waters. The area contains a significant lobster fishery. Fish such as blue cod, tuna and groper are also commercially significant. The paua fishery is also economically important within the area.

Traditionally, Milford Sound has been the major tourist attraction in the area. It remains one of the top five tourist attractions in New Zealand. Deep Cove in Doubtful Sound is also the base for boat tours of the Sound and adjoining arms. Increasingly, the whole coastal region is being viewed as a tourist attraction, with cruises of a duration measured in days, becoming an alternative to day trips. The attraction of such trips is a chance to appreciate not only the scenic values of the area but its heritage and ecosystems as well. There are also many more people actively partaking in the recreational opportunities such as diving and kayaking within the Fiords in particular.

Tourism is now New Zealand's prime earner of overseas exchange. The Fiordland coastal area, with its drawcards of Milford Sound, Doubtful Sound and images of remote and wild areas, is undoubtedly one of the reasons for tourism demand in these areas.

Deep Cove has an important function for hydro-electric power generation. Water diverted from Lake Manapouri through the Manapouri power station generates thirteen per cent of New Zealand's electricity and exits to the coastal marine area via the tailrace at Deep Cove.

Whitebaiting is prohibited in the Fiordland National Park between Puysegur Point and Yates Point, north of Milford Sound. However, it is undertaken commercially at Big Bay and Martins Bay. In financial terms it is a very small fishery but in some respects the commercial side is secondary to the lifestyle involved. Some tourism activities are also centred on Martins Bay.

3.2.10 Education Values

One of the values of Doubtful Sound is the contribution it makes to the remote educational experience of school children who visit the Deep Cove Hostel. Annually, over 2,500 children stay at this facility for a few nights whilst on class camps. As part of that educational experience and as a means of appreciating their natural heritage, the

children take a launch trip on commercial tourist ships based at Deep Cove, as well as engaging in tramping, fishing and nature study activities in, on and around Deep Cove. Visitors other than school children also seek to participate in and share the educational values of the area.

3.2.11 Anchorage Value

The western coast, and especially the south-western coast, are very exposed to the prevailing westerly wind. Given that the area is poorly serviced by permanent ports and given the size of boats used in the fishing industry, it would not be possible for the fishing industry to successfully operate if it were not for the sheltered anchorages that many of the small bays within the fiords provide. While some of these areas are used on a more or less nightly basis, many are only used casually. However, when they are required, they are the single most important safety feature available to fishermen in Fiordland.

Their use is not confined to fishermen. Cruising yachtsmen, pleasure boats and tourist launches also use these areas just as mariners such as Captain James Cook did in the past. A list of commonly used anchorages is in Appendix 6.

3.2.12 Principal Issues

- 1 The impact of tourism growth, particularly on natural character. In respect of tourism and recreation, how much use is too much use?
- 2 The impact of potential water export from Deep Cove on natural character.
- 3 Effect of use and development on the significant indigenous vegetation and significant habitats of indigenous fauna.
- 4 Loudspeaker noise on commercial ships detract from the amenity values of the marine area to other users.

3.3 Coastal Values - Waitutu Coast (Big River To Track Burn)

Refer to Maps 6 and 7
in Appendix 3

3.3.1 Introduction

The land adjoining this section of the coast is either part of the Crown estate managed by the Department of Conservation or in Maori ownership. It is largely forested, although some has been milled in the past, and contains little development including roads. This adjoining land to the coastal marine area highlights the importance of cross boundary issues which need to take into account the factors outside of the coastal marine area and from the wider coastal environment. This Plan recognises the need for integrated management in Section 20.

3.3.2 Natural Character and Landscape Values

The Waitutu coastline contains a diverse range of natural features which reflect the coastal processes operating in the area. These features integrate well with the surrounding natural areas. The natural character of this coastal environment is rated very highly (Appendix 4, Landscape Unit 17).

The key landscape element is a series of marine terraces cut into soft tertiary rocks and subsequently uplifted by tectonic earth movements.

3.3.3 Areas Containing Significant Values

The sequence of marine terraces referred to above are one of the most well preserved in New Zealand and are rated nationally important. For this reason, and because the

youngest terraces are still forming to create a broad intertidal platform which can extend hundreds of metres offshore, the coastline from Big River to Track Burn has been identified by the Department of Conservation as an area containing significant values (see ACSV 14-04 in Appendix 5).

The Solander Islands are a Specially Protected Area in Fiordland National Park which are part of the South-West New Zealand World Heritage Area (see ACSV in 14-03 in Appendix 5).

3.3.4 Ecosystems, Vegetation and Fauna Habitats

The marine ecosystems of this area are relatively pristine.

Sand Hill Point (and two other dune/beach communities) are nationally important or one point short of this ranking. Threatened plants like *Euphorbia glauca* have been recorded on at least two of these beaches.

The Solander Islands are free of introduced mammals (such as possums and rats) and most weeds, and contain rare or threatened birds and plants.

3.3.5 Marine Mammals and Birds

Fiordland crested penguins occur at Big River. New Zealand fur seals are known to haul out along the rocky coasts and beach platforms.

The Solander Islands contain New Zealand's largest fur seal colony outside the Subantarctic Islands. Sealions are also present on the islands. Solander Island is a major breeding area for Fiordland crested penguins and also contain nearly half the known population of the Buller Mollymawk. Sperm whales and Southern Right whales also occur around these islands.

3.3.6 Coastal Landforms and Associated Processes

The Solander Islands are eroded remnants of an andesitic volcano with rocky shores of hornblende andesite flows.

Waitutu coast contains a series of well-preserved marine terraces cut into soft tertiary rocks and which were subsequently uplifted by tectonic earth movements.

3.3.7 Heritage and Archaeological Values

There are several archaeological sites along this coastline indicating relatively consistent use by the tangata whenua in the past. As well as the specific archaeological sites, such as caves, find spots and middens, there is a relatively high number of sites for which "silent" files exist.

Landward of mean high water springs, there are also some archaeological sites related to the past milling of the area.

3.3.8 Commercial Values

Commercially, the area is important for paua and lobster and being somewhat shallower than the Fiordland coast, is more suitable for trawl fishing.

3.3.9 Recreational and Amenity Values

The area is also valued for recreational fishing with access being a limiting factor. Recreational boat access is most common from Bluecliffs Beach.

The walking track from Track Burn to Big River, which is generally close and parallel to the coastline, is, however, one of the more popular walking tracks in Southland. The scenery is outstanding.

3.4 Coastal Values - Te Waewae Bay (Track Burn To Pahia Point)

Refer to Map 7
in Appendix 3

3.4.1 Introduction

Te Waewae Bay, a shallow bay 22 kilometres in length, is the largest embayment on the Southland coast. The shoreline of the bay is very variable, the shore type ranging from fine grained sand to gravel, cobbles and boulders. The foreshore is very mobile and much of the coast is subject to erosion.

The Waiau River flows into the centre of the bay. Prior to the commissioning of the Manapouri hydro-electric power scheme in 1969 and the subsequent diversion of up to 400 cumecs of the Waiau's flow, it was Southland's largest river.

3.4.2 Areas Containing Significant Values

The sector from the Te Waewae Lagoon to the Track Burn Stream at the western end of the Te Waewae Bay back onto unprotected land, including Maori land (see ACSV 14-04 in Appendix 5).

3.4.3 Marine Mammals and Birds

Hector's dolphins are regularly seen in the western inshore area of the bay. This is a nationally significant population, and the largest south of Banks Peninsula. Te Waewae Bay is also part of the migratory path of the Southern Right whale.

The Te Waewae Lagoon is a significant gamebird habitat. The bar between the lagoon and the sea is a notable roost for spotted shags. The bird species include variable oyster catchers, banded dotterels, and mottled petrels.

3.4.4 Ecosystems, Vegetation and Fauna Habitats

The ecosystems of the bay have not been well studied. Small areas of the bay contain toheroa beds but numbers are much lower than they once were. Surf clams are found beyond the surf zone.

Coastal wetlands, estuaries and lagoons are very important for wildlife habitat, including four species of native fish and two rare or localised species of cultural importance to tangata whenua (the long finned eel and lamprey).

3.4.5 Natural Character and Landscape Values

The bay has been subdivided into three landscape units: Orepuki; Te Waewae; and Port Craig (see Appendix 4, Landscape Units 14, 15 and 16 respectively). These units exhibit an increasing naturalness as one moves from east to west, principally because of the less developed nature of the adjacent land.

West of the Rowallan Burn, a road parallels the beach until it becomes impassable to most vehicles. The old road beyond this point and the beach itself form part of a well used track leading to the Hump Ridge and the Southern Coastal track system.

Outstanding views across the long sweep of Te Waewae Bay towards bush clad hills and snow-topped mountains further to the west can be obtained by travellers on State Highway 99 in the Orepuki/Waihoaka area.

3.4.6 Heritage and Archaeological Values

Te Waewae Bay is steeped in Maori history. A settlement was once located at the Waiau mouth but most archaeological sites are concentrated further east in the Orepuki/Pahia Point area.

The Orepuki area was the scene of gold mining activity in the 1870s and was also mined during the depression of the 1930s. There is a mining drive off the beach near Taunoa Stream. The area west of the Waiau has a long history of timber extraction. There is an historic remnant wharf breakwater, two bogies on rails and a low concrete tidal wall at Port Craig where a timber milling settlement occurred up until the 1930s.

3.4.7 Coastal Landforms and Associated Processes

At the Waiau mouth, the barrier beach and the lagoon it creates, are a demonstration of the interaction between coastal and river processes. Prior to hydro-electric power development on the river, the mouth moved over a four kilometre length of the coast without full closure. In the post-hydro period, closures have occurred when periods of low river flow have coincided with big seas. However, consents for the Manapouri power scheme contain a new flow regime for the Lower Waiau, which will go some way to alleviating the problem.

Much of the beach along Te Waewae Bay is bounded by a terrace or coastal cliffs below which there is a narrow sand and gravel barrier between the cliffs and the sea. These cliffs are thought to have been formed by the combination of tectonic uplift and marine erosion.

While coastal drift along the Southland coast is generally from west to east, longshore drift in the bay in the vicinity of the Waiau mouth is from east to west. As a result, the coastline east of the Waiau mouth exhibits more erosion than that to the west.

3.4.8 Recreational and Amenity Values

One of the principal values of Te Waewae Bay is the degree of accessibility. The location of access points is such that access is available, yet significant lengths of the beach retain an aspect of remoteness or wilderness.

Monkey Island at the southern end of the bay, is a popular picnicking area offering safe swimming and a variety of coastal features. Frenzt's Reef, located between Monkey Island and Pahia Point is good for surfing. Another good, yet less accessible, surfing spot is located off the point near the mouth of the Waikoau River.

The Te Waewae Lagoon is a mahika kai area where whitebait, flounder, eels, trout and mullet are fished for. The lagoon is also used for boating. A boat ramp is located on the north-east shore of the lagoon.

Bluecliffs Beach, west of the Waiau mouth, is commonly used for floundering and whitebaiting occurs at the mouth of most significant streams entering the bay. In the past, Bluecliffs Beach was a popular area for harvesting toheroa.

A significant component of the amenity of the area is the uninterrupted expanse of open space across the bay between the headlands of Pahia and Sand Hill Point. The backdrop of cliffs which tend to bound the bay add to its amenity by clearly separating it from what is often a very modified landward environment. Where the cliffs or landward areas retain a high degree of naturalness, the amenity is further enhanced.

3.4.9 Commercial Values

The beaches in the Orepuki area contain gold and platinum, which have been the subject of past commercial interest.

The surf clam resource is of potential commercial value. Trawling for flatfish, rig and elephant fish occurs offshore, and rock lobster are fished for in rocky areas.

The area beyond the bay and beyond the Solander Islands further to the south-west has been subject to exploratory oil drilling in the past.

3.4.10 Principal Issues

- 1 The effect of hydro-electric power development on the Te Waewae Lagoon and Te Waewae Bay.
See also Section 20
- 2 Future competing values, for example, commercial versus recreational and amenity values.

3.5 Coastal Values - Pahia Point To Jacobs River Estuary

Refer to Maps 7, 8 and 8a in Appendix 3

3.5.1 Introduction

This section of coastline is characterised by its rocky shores and small bays and the two notable beaches of Colac Bay and Wakaputa. At the eastern extreme of this reach, Howells Point and the beaches which adjoin the Riverton township between the Point and mouth of the Jacobs River Estuary, are particularly popular places for both active and passive recreation.

3.5.2 Areas Containing Significant Values

There are no areas containing significant values identified by the Department of Conservation.

3.5.3 Natural Character and Landscape Values

The diversity of landscapes is a significant characteristic of this coastal reach, with five distinct landscape units having been identified. These are Pahia, Wakaputa, Colac Bay, Riverton Back Beach and Riverton Rocks (Appendix 4, Landscape Units 13, 12, 11, 10 and 9 respectively).

While in some instances the natural character of the coastal environment has not been rated highly, this is largely due to the developed state of the landward environment. In many areas, grazing occurs to the high water mark. The coastal marine area itself is dynamic and exposed, except for the shelter provided by small coves and the lee shores of the headlands that flank the bigger bays. The native shrublands on Pahia Hill are visible from many parts of Southland. There are also many panoramic views from different parts of this area.

3.5.4 Heritage and Archaeological Values

An important Maori village was once located near Cosy Nook in the Pahia area, however, no visible signs of the settlement remain. Other settlements were located at Colac Bay, Kawakaputa Bay and Riverton (Aparima). The entire coastline has a tradition of Maori occupation and remains valued as a source of kaimoana.

Riverton was formerly the site of an early whaling station but there are few tangible reminders of this within the coastal marine area.

3.5.5 Coastal Landforms and Associated Processes

The diversity of rock features whether they be crags, pillars, boulder beaches, reefs or low near-shore islands, is a feature of this coastline.

The pillow lava formations at Howells Point and the layered mafic rocks and shore platform potholes between Pahia Point and Monkey Island are excellent examples of such landforms, the former being regarded as nationally important and the latter regionally important.

Additional to the above near shore features, are Centre Island (Raratoka), Pig Island, Escape Reefs and Hapuka Rock which are all within ten kilometres of the shore.

Apart from the physical characteristics of these landforms, they are also very important in terms of vegetation and fauna which rely on rocky habitat for cover and permanent attachment. Above mean high water, these rock forms provide nesting and roosting sites for many seabirds.

There are primary dunelands and salt marshes at Wakaputa and Colac Bay. Coastal erosion is a problem towards the western end of Colac Bay and rock riprap has been used to protect the road onto which debris is often deposited during high seas.

3.5.6 Recreational and Amenity Values

The entire coastal stretch is widely used by the general public for recreational fishing, diving, swimming, picnicking, walking, and rock climbing. The boat ramp at Colac Bay is the most commonly used boat launching point for recreational fishers and divers in the area, with other facilities used at Riverton, Cosy Nook and Garden Bay. This reach of coastline is one of the most heavily used by recreational fishermen on the Southland coast.

An area known as “Porridge”, approximately 500 metres south of Rurikaka Creek (west side of Bill Point), is a surfing location of national renown. While “Porridge” is the best spot in Southland, an area known as “Beatons” on the south side of Garden Bay is also popular.

The mouth of the Ourawera Stream in Wakaputa Beach is popular for whitebaiting. While the whole coastal reach is popular for recreational activities of one form or another, including viewing the blow hole between Taihaka and Howells Point. However, the largest concentration of use occurs in the Howells Point, Hendersons Bay, Mitchells Bay and Taramea Bay areas. Riverton is an established seaside resort and being within 30 minutes of Invercargill, is an extremely popular Sunday drive destination, even during inclement weather. Excellent views are afforded from the road from Riverton to Howells Point across an open expanse of sea towards the distant features of Stewart Island, Omaui and Bluff. Similar views are obtained from the road that follows the foreshore at Colac Bay.

Cosy Nook, Mullet Bay and Garden Bay are three confined bays which are somewhat less accessible than Riverton, but each has their own unique charm and character which draws people to them.

Access is generally very good. Opportunities abound for the disabled to enjoy the coastal environment. Generally, access points provide a reasonable balance between preserving a degree of wilderness and facilitating direct use and enjoyment. The lack of a public strip of land along mean high water mark between Howells Point and Tihaka has been a concern in the past. Access to the rocky headlands of Oraka Point, Wakaputa Point and Old Man Rock is difficult and access to “Porridge” relies very much on the goodwill of the landowner. There is no public strip of land adjacent to “Porridge”.

3.5.7 Commercial Values

The rocky nature of this coastline results in it being a rock lobster and blue cod fishery of considerable local significance. Flounder, shark and elephant fish are other commercially significant wet fish. Paua are commercially important also.

The gravels on Tihaka Beach have been extracted commercially in the past as has sand from Wakaputa Beach. Sand dunes adjacent to Colac Bay have been significantly reduced by past mining. Gravel is commonly collected by members of the public from the beach immediately west of Howells Point.

The Lake George area landward of Wakaputa Beach is the scene of current gold mining activities. It is not inconceivable that Wakaputa Beach and the seabed beyond are gold bearing as the underlying geology of the area is similar to the Longwoods which has a history of gold prospecting and mining.

A section of State Highway 99, which runs from Riverton via Colac Bay to Tuatapere, is being promoted as part of the Southern Scenic Route of which the coastal values are no doubt a major contributor. This route is being heavily promoted at present.

3.5.8 Anchorage Value

Up to half a dozen small commercial fishing boats still operate from Cosy Nook, Garden Bay or Colac Bay, but they are usually pulled from the water on a daily basis. Colac Bay has formerly contained permanent moorings but none remain.

3.5.9 Principal Issues

- 1 Coastal erosion in Colac Bay.
- 2 Gravel extraction from beaches.
- 3 Grazing and trampling of coastal vegetation.
- 4 Lack of legal access around the coastal margin.

3.6 Coastal Values - Jacobs River Estuary And Lower Pourakino River

Refer to Maps 8 and 8a in Appendix 3

3.6.1 Introduction

Jacobs River Estuary is the early name given to the combined estuary of the Aparima River (formerly Jacobs) and Pourakino River. That part of the estuary attributable to the Pourakino is separated from the main estuary by an area called "the Narrows".

The estuary can be viewed in two parts, that above the State Highway 99 bridge and that below it. That above is relatively unmodified apart from the railway bridge and associated reclamation.

The estuary covers an area of approximately 750 hectares. The waters are moderately eutrophic despite the estuary being well flushed and a complete absence of any point source discharges. The lower estuary is the base for a fleet of 30-40 commercial fishing boats.

3.6.2 Areas Containing Significant Values

There are no areas containing significant values specifically identified by the Department of Conservation.

3.6.3 Heritage and Archaeological Values

Although Riverton township was the second European settlement in the South Island (established in 1837), few tangible reminders of the past remain within the coastal marine area, the exception being the mooring dolphin located just upstream of the road bridge on the east bank. Two rail bridges and embankments, the latter with intricate stonework, reflect the past.

Prior to European settlement, the area had a long history of Maori occupation with a pa site located on the northern shore. The land adjacent to the northern side of the estuary mouth and the beaches on the northern and southern sides of the lower estuary are valued by the tangata whenua.

3.6.4 Natural Character and Landscape Values

The natural character of most of the estuary is not particularly high except for the Pourakino Arm upstream of The Narrows, where there are sandy beaches fringed by forest margin and rockwalls, and the river flow is deep and relatively strong.

The southern and western shores of the estuary are elevated and as such offer good views of the estuary which are valued for the amenity they provide. Good views are also afforded from the northern approaches to the township and other roads that skirt the estuary. The natural character of the estuary is being enhanced with planting of native trees, shrubs and flaxes.

The seascape provided by the fishing boats berthed in their sheltered harbour bounded by high vegetated banks attracts much interest.

3.6.5 Recreational and Amenity Values

The estuary is well used for recreational activities that are associated with shooting and fishing. Whitebaiting is very popular on the Aparima River and, to a lesser extent, the Pourakino River. The estuary has a high waterfowl value and as such is the scene of much gamebird hunting. Associated with these two activities are many whitebait stands and maimais, the latter being a significant part of the landscape.

Floundering is another popular activity within the estuary, with other fish species such as trout, mullet, eels and kahawai also being sought. Cockles are gathered from the vicinity of the railway bridge, especially the seaward side, and pipis from nearer the mouth.

Recreational boating activities are concentrated in the lower estuary, access being from a ramp near the Fisherman's Co-op and the beach east of the rescue boat headquarters. Swimming is also popular from this beach. There is a perception that the road bridge and, to a lesser extent, the railway bridge have restricted the recreational use of the upper estuary. While there is good access to the lower estuary, access to the upper estuary is more difficult as the bridges prevent some boats access to the upper estuary from the lower estuary. Access to the upper estuary is available with the use of boat trailers backing to the waters edge.

The Bay Road inlet is a shallow sheltered area of water, the recreational use of which is limited by the risk of being drawn into the main river channel on outgoing tides.

Being relatively small and compact, Jacobs River Estuary is very suitable for school visits. There is good access to rocky shores and tidal flats, which is further complemented by good access to open coastal beaches either side of the mouth and rocky shores towards Howells Point.

3.6.6 Anchorage Value

The lower estuary contains several wharves which provide berths to 30-40 fishing boats. This area is very sheltered and is a popular haven, although the bar at the estuary mouth limits access. Demand currently exceeds the availability of existing berths. The possibility of extending the current facilities is being investigated. Sedimentation is a problem around some berths.

There are no moorings within the estuary.

3.6.7 Marine Mammals and Birds

Jacobs River Estuary has a high value as a waterfowl and wader habitat. Such species include the Caspian tern (threatened), Australasian bittern (threatened), variable oystercatcher (rare), the banded dotterel (threatened), the shoveller and paradise duck.

3.6.8 Ecosystems, Vegetation and Fauna Habitats

Jacobs River Estuary is part of a complex of five southern estuaries used by these wading birds. It has extensive mud and sand flats and marginal vegetation creating important habitat for waders and waterfowl. This network of estuaries is rated as moderate in importance on the WERI database, and also is ranked as nationally important for fisheries as a flatfish nursery.

The water quality is adversely affected by non-point discharges which create a moderate state of eutrophication. This is evidenced by growth of the green filamentous algae, *Enteromorpha intestinalis*, and *Gracilaria*.

Spartina growth is also present, but its spread has been largely controlled by past spraying efforts. Section 7.3.5 deals with this.

3.6.9 Principal Issues

- 1 Water quality is generally considered poor.
- 2 Stormwater drains are a source of contaminants and occasional odours.
- 3 Bridges restrict the passage of ships to upstream areas.
- 4 Erosion from river currents and wave action is occurring on the northern shore of the lower estuary, affecting an historic urupa.
- 5 Past erosion control methods are ineffective and unsightly.
- 6 More fishing boats wish to use the Riverton wharves than there are berths available.
- 7 Sedimentation around some wharves.
- 8 Maimais and whitebait stands are visually obtrusive.
- 9 Eradication/control of *Spartina*.
- 10 Contamination of shellfish beds.

3.7 Coastal Values - Jacobs River Estuary To Stirling Point

3.7.1 Introduction

This length of coastline consists of two contrasting coastal types, the predominantly rocky shorelines south of the New River Estuary mouth and the long sandy shore of the Oreti Beach embayment which extends northwards from the New River Estuary mouth to the mouth of the Jacobs River Estuary.

3.7.2 Areas Containing Significant Values

Apart from New River Estuary, which is discussed separately, there are no areas specifically identified by the Department of Conservation as areas containing significant values in this section of coast.

3.7.3 Natural Character and Landscape Values

Three distinctive landscape units have been identified along this length - the Oreti unit which is dominated by the long curving sweep of Oreti Beach and its narrow fringe of duneland, the Greenhills unit which is predominantly coastal bluffs and sea cliffs interlaced by small sandy beaches, and the smaller Bluff Back Beach unit which consists mainly of the small rocky bays bounded by Bluff Hill and nearby reefs and stacks (see Appendix 4, Landscape Units 8, 7 and 6 respectively).

The coastal environment about the rocky shores is rated as semi-natural while that of Oreti Beach is considered to be modified.

The Greenhills unit and Bluff Back Beach unit are particularly exposed to the elements, the former offering a high feeling of wilderness considering its proximity to Invercargill. The naturalness and landscape value of this particular landscape unit are enhanced by some relatively rare yet extensive plant communities such as pingao on the Three Sisters dunes and carpets of low, salt-tolerant plants adjoining the mean high water mark.

3.7.4 Heritage and Archaeological Values

The New River Estuary was the site of the earliest port to serve Invercargill. Even in those times, the mouth of the estuary was known for its bar which necessitated the establishment of a pilot station overlooking the channel between Omaui and Steep Head.

The remains of two early shipwrecks are located on Oreti Beach, the "Hindu" (1871) at the low water mark (springs) about three kilometres south of the main entrance and the "Barrow" (1863) located towards the upper part of the beach at the Taunamu mouth.

The remains of other shipwrecks, notably "England's Glory" 1881, the "Pelham" 1886 and the "Okta" 1913 are located just off Stirling Point and those of a modern fishing boat the "Olivia" 1979 are on the rocks in the vicinity of Barracouta Point.

Clusters of Maori archaeological sites are found along this coastline, in particular at the mouth of the Jacobs River Estuary, the Waimatuku River and in the Greenhills area. The most notable site in this latter area is a former Maori settlement bounding a small natural harbour in a sheltered corner on the west side of Ocean Beach Isthmus. Te Whera, a prominent rangatira of this locality in the early 1800s, occupied a site at Ocean Beach.

3.7.5 Coastal Landforms and Associated Processes

The Greenhills ultramafic complex is an interesting feature of commercial significance. The geology is most evident by coastal exposures, some of which are regionally significant examples of this rock type. In particular, the 500 metre length eastward from Barracouta Point is a spectacular exposure of layered gabbroic rock exhibiting rhythmic deformation.

Oreti Beach is a classic headland/bay beach, 29 kilometres in length. Subsequent to early episodes of erosion, brush fences and marram grass were used to trap and retain windblown sand. These works were successful and led to the spread of marram grass along the full length of the beach. The beach exhibits periods of erosion and aggradation. The current mean high water mark position is generally seaward of the 1950 mark, the date of the earliest reliable records.

Longshore drift is generally in a south-east direction along the entire length of this coastal reach.

3.7.6 Recreational and Amenity Values

Oreti Beach is very popular for a wide variety of recreational pursuits. The fact that it is easily accessible by motor vehicle for most of its length is a very significant factor affecting its popularity. Not only are vehicles a means of transport, they are also a source of shelter from the wind, rain and sun at Oreti Beach. The beach gives way to a gently sloping seabed within which there is an extensive zone of relatively low energy breakers. While the beach is used for surfing, especially learners, the surf is not regarded as being powerful. A surf lifesaving club operates from a headquarters located landward of the dunes.

Drag netting for flounders is a popular activity and the taking of toheroa is a nationally significant event when it is allowed to occur, as it is the only place where toheroa are allowed to be gathered.

The gathering of washed up seaweed and kelp for use as a soil conditioner is common as is the collection of driftwood for firewood. Other active pursuits include cycling or walking along the beach, dog exercising and the playing of beach games.

Occasionally, there is concern over the impacts of one activity on another. Generally, however, given the space available, there are few problems provided users adopt a responsible attitude.

For many others, the beach is used just as a place to park and watch the activities of others or take in the coastal vista of a large area of open, dynamic sea contained by the headlands of Omaui and Riverton and bounded by the distant Stewart Island and smaller rocks and islands visible on the horizon further westward.

Contrasting with the popularity of Oreti Beach, is the shoreline of the Bluff Peninsula, a totally different yet in many ways more interesting and attractive coastline, but one to which there is no direct public vehicular access apart from Stirling Point itself and Ocean Beach car park. Most of the access to this section of coast is by foot but for a large part this access is difficult. The major exception being the Foveaux Walkway extending from Stirling Point along the coastline around Bluff Hill to Ocean Beach. This is the most popular walking or tramping track in the southern part of the Southland region (25-30,000 users per annum). Much of the track is within a short distance of mean high water mark.

Stirling Point itself is the start of State Highway 1 and is a popular point from which to view Foveaux Strait, Stewart Island and the boating activities centred on the adjacent Bluff Harbour entrance. This outlook is also the natural backdrop to many a tourist's photograph of themselves and a signpost.

The coastline from Stirling Point to Omaui Island is an important recreational paua fishery where commercial diving is prohibited within half a nautical mile of mean high water mark. Along with Halfway Rocks off Oreti Beach, this area is popular for scuba diving, and recreational fishing, access being by boats launched from either Bluff, Riverton, New River Estuary, Omaui Beach or Oreti Beach.

3.7.7 Marine Mammals and Birds

Although dolphins are sometimes seen off Oreti Beach and the occasional right whale is seen from Bluff, the area is not particularly known for its marine mammals. A few fur-seals may be seen on rock promontories or outcrops from Omaui Island to Stirling Point, and yellow-eyed penguins at Lookout Point.

Omaui Island, a small conservation area off Steep Head, is the breeding ground of several species of birds, especially shags, gulls, blue penguins and sooty shearwaters, but more latterly an ever increasing breeding population of royal spoonbills has nested on the island.

3.7.8 Ecosystems, Vegetation and Fauna Habitats

The toheroa beds on Oreti Beach are of national significance. Without doubt, they are the largest and apparently the most resilient in New Zealand. Unlike elsewhere, their numbers do not appear to be declining.

Beyond the surf zone on Oreti Beach, particularly along the western half, there is a substantial and potentially commercially viable resource of surf clams. Some of these, known as sou'westers, are occasionally washed up in large numbers.

Water quality is of particular concern on Oreti Beach because of its high use for contact recreation and the significance of the shellfish resources. At the sampling point opposite the main entrance to Oreti Beach, the water quality consistently meets contact recreation and shellfish gathering standards.

The Waimatuku mouth is an environment which, when the river flows generally parallel to the coast, offers a unique estuarine ecosystem that is riverine in appearance yet quite marine in character. This value has in the past been lost when cuts have been made to the sea to reduce a perceived erosion threat. The tidal reach is popular for whitebaiting and trout fishing. Waimatuku mouth is a key site for coastal invertebrates and includes threatened wildlife such as banded dotterel. It is also a nursery area for flatfish. The three Sisters Dunes are a large and important dune system with a rich insect fauna including rare newly discovered species *Meterana* and *Notoreas*. Both feed only on *Pimelea hyalii*. The dunes are also significant for the presence of rare Pingao and endangered *Gunnera hamiltonii*.

The Three Sisters dunes have established rare, yet extensive communities of pingao and carpets of low, salt-tolerant plants adjoining mean high water mark.

3.7.9 Commercial Values

The seabed off Oreti Beach is a commercially important trawling grounds for flatfish and the areas of rock bottom in this vicinity along with most of the seabed offshore of Bluff Peninsula, form part of the local rock lobster and blue cod fishery.

The coastal environment at and westward of Stirling Point has significant tourism value in that it enhances the “journey's end” experience for those whose specifically make a point of visiting the geographic extremes of the state highway network. Oreti Beach too, has tourism values in that it offers opportunities which are relatively rare in New Zealand.

3.7.10 Principal Issues

- 1 Conflict between recreational users of Oreti Beach.
- 2 Erosion of Oreti Beach.
- 3 Damage to toheroa beds by vehicular use of Oreti Beach.
- 4 Access to Bluff Isthmus.
- 5 Water quality standards.

3.8 Coastal Values - New River Estuary

Refer to Map 9a
in Appendix 3

3.8.1 Introduction

The New River Estuary is the largest estuary in Southland and is located adjacent to Invercargill City. It has been significantly modified, particularly by reclamation. Of its original 4,700 hectares, only 3,500 hectares remain. Reclamation and its consequent effect on flushing, particularly in the Waihopai area, is considered to be the principal reason for sedimentation which has significantly reduced the navigability of the estuary. However, the estuary provides considerable environmental, social and economic benefits to Invercargill and the wider region. The history of the estuary up to 1973, has been well documented in "A History of the New River Estuary" compiled for the New River Estuary Technical Advisory Committee 1973.

3.8.2 Areas Containing Significant Values

The Department of Conservation has identified the area of the estuary generally eastward or upstream of a line drawn from "the spit" at the south end of the Oreti Beach, to Bombay Rock, to the point of land more or less east of that rock, as an area containing significant values (see ACSV 14-05 in Appendix 5). This is principally because the estuary is rated nationally important as a habitat for wader bird species, as well as a nationally important nursery area for numerous fish and invertebrate species, including galaxiids and toheroa.

3.8.3 Heritage and Archaeological Values

The Port of Invercargill jetty is registered by the New Zealand Historic Places Trust as a category II site. This site was the major port for Invercargill prior to the establishment of the port at Bluff. It was once linked to the city by a long jetty but that area has since been reclaimed.

Other areas of the estuary also have significant heritage values. The coastline of Sandy Point between West's Point and Sandy Point was one of the first areas settled by Europeans in the greater Invercargill area and the site of early whaling activities. Prior to that it was the site of a Maori kaik.

In the 1800s, the favoured route from Invercargill to Bluff was via the estuary and Bluff Harbour shorelines including Mokomoko Inlet where there was a hotel. There was a wharf and proposed township at Stanley Town, just east of Mokomoko Inlet.

There are many archaeological sites of significance to Maori all around the non-reclaimed shoreline of the estuary, including middens and urupas. There are particular concentrations of such sites in the Sandy Point - West's Point area where the Maori village of Oue was once located, and along the south-west shoreline of Otatara and in the Omaui/Mokomoko Inlet area.

3.8.4 Natural Character and Landscape Values

The natural character values of the estuary are particularly high adjacent to much of the Sandy Point Domain and along the southern Otatara coastline where significant areas of either indigenous salt marsh or indigenous scrub or bush either adjoin or intertwine with the waters edge.

The feeling of open space provided by the estuary is enhanced by the low relief of the adjoining land. This open space value is further enhanced by the quality of reflected light from the water areas.

3.8.5 Recreational and Amenity Values

The lower reaches of the Oreti River from Dunns Road to West's Point are frequently used for recreational activities, particularly boating. Trout fishing is undertaken virtually all year round, particularly by the elderly who appreciate the good vehicular access. All areas that adjoin Sandy Point Domain are popular for various recreational activities. The estuary is also very popular for “onlookers” or “get away from it all” people. It provides for such passive scenic recreational users.

Given the proximity of the New River Estuary to Invercargill, it has great potential for further recreational use. In recent years, this use has declined in some areas due to water quality problems and increasing sedimentation.

3.8.6 Educational Values

The estuary offers a range of educational opportunities, the value of which are enhanced by its proximity to major schools. The study of estuarine ecosystems, rocky and sandy shores, intertidal areas etc, and the contribution of the estuary to the social geography of Invercargill, are frequently included in school curricula. As such, the estuary is the site of many school visits. Its birdlife and cultural history add to the educational experience it can offer. Educational activities are increasingly focusing on the negative aspects of the estuary such as the degree of modification and its water quality.

3.8.7 Marine Mammals and Birds

New River Estuary has a high value as a wading and waterfowl bird habitat. A total of 74 wading and waterfowl species (including migratory species from the northern hemisphere), have been recorded. These species include sandpipers, tattlers and greenshanks. Banded dotterels can migrate to Australia but generally migrate internally, as do South Island pied oyster catchers. South Island fernbirds inhabit coastal wetlands.

3.8.8 Ecosystems, Vegetation and Fauna Habitats

The New River Estuary is part of the Awarua Plains wetland complex, which is the most important habitat for birds in Southland. This has given international recognition to the area.

The estuary provides extensive rearing and spawning habitat for marine and freshwater fish species, including native fish such as the giant kokopu, lamprey and the long finned eel. The whole estuary has value as a flounder nursery area, while many other fish species, including migratory species, use the estuary or parts of the estuary as a habitat on either a temporary or permanent basis. Along the shores are extensive maritime marshes including an excellent sequence of marsh to sand dune totara forest, which is of national significance.

3.8.9 Principal Issues

- 1 The effect of reclamation and impoundments on flushing (sedimentation) and habitat.
- 2 The spread of Spartina and its effect on habitats and recreational values.
- 3 Poor water quality.
- 4 Eroding shoreline in places.
- 5 Inappropriate access.
- 6 The effect of noise on habitats and recreational values.

3.8.10 Values and Issues of Specific Areas

As there are many differing parts of the estuary, the following list of values and issues are for specific areas of the New River Estuary. New River Estuary is considered to be of high educational value and by highlighting the values and issues of each area of the estuary, this will help guide the user of the educational opportunities provided by the estuary.

1. Mouth of New River Estuary to Sandy Point

Values:

- (i) Least modified part of New River Estuary
- (ii) Marine in nature and relatively clear water
- (iii) One of the most navigable areas of estuary
- (iv) No Spartina
- (v) Best water quality within the estuary
- (vi) Popular for floundering
- (vii) Moderately popular for bathing
- (viii) Adjacent to domain
- (ix) Semi-remote, vehicular access
- (x) Sandy foreshore
- (xi) Part of a loop including Oreti Beach and Sandy Point Domain used by runners, mountain bikers and horse trekkers
- (xii) Pipi and cockle beds, blue mussels present

Issues:

- (i) Eroding shoreline
- (ii) Sedimentation

2. Sandy Point to West's Point

Values:

- (i) High recreational value
 - generally firm sediments but soft near streams or small embayments
 - good access
 - sheltered from westerlies
 - includes a boat launching area
- (ii) High visual amenity
 - lack of modification
 - natural vegetation on shoreline
 - provides an outlook from adjacent picnic areas
 - source of open space
 - tranquil environment
- (iii) High Maori value
 - mahika kai, cockles and pipis and flounder
 - wahi tapu on adjacent land
 - site of former kaik

- (iv) High heritage value
 - site of early whaling base
 - one of earliest settled areas in greater Invercargill
- (v) High educational value
 - good access and reasonable biodiversity

Issues:

- (i) Isolated patches of Spartina
- (ii) Gradual erosion of shoreline
- (iii) Inappropriate access

3. West's Point to Dunns Road Bridge to southern end of the rifle range stopbank

Values:

- (i) Oreti River and its western foreshore heavily used for recreation
 - water skiing
 - rowing
 - power boating
 - angling
 - whitebaiting
 - the use of personal water craft
 - swimming
- (ii) Fish habitat
 - trout, yellow eyed mullet and flounder in particular
 - whitebait breeding
 - nursery area for flounder, stargazer
 - migratory fish, smelt, lamprey, whitebait
- (iii) Southern Otatara shoreline, including Bushy Point, contains significant remnants of native habitat
 - fernbird and rail habitat
 - significant vegetation sequences from maritime marshland to totara forest
- (iv) Shoreline from west end of Petrie's Track to West's Point has relatively high natural character
 - popular walking area
- (v) Southern Otatara shore contains a large number of archaeological sites
- (vi) Eastern foreshore of Oreti River popular for horse trekkers
- (vii) Very good access from West's Point to Dunns Road
- (viii) Foreshore is a significant bird feeding or roosting area, particularly towards the eastern end
- (ix) Isolation value of south/south-east Otatara shoreline

Issues:

- (i) Spartina growth
- (ii) Sedimentation readily apparent
- (iii) Erosion of western bank of Oreti River
- (iv) Lack of public boat launching facilities
- (v) Poor water quality both from the Oreti River and wider estuary
- (vi) Otatara sewage discharge
- (vii) Stock grazing and fences on foreshore
- (viii) Inappropriate access

4. Southern end of rifle range stopbank to Stead Street to Kingswell Creek Mouth

Values:

- (i) Popular duck shooting area on western side
- (ii) Significant views and open space outlook from airport approaches
- (iii) Quality of natural reflected light
- (iv) Significant bird habitat generally with concentrations of wildfowl on the tip lagoon
- (v) Historic wharf

- (vi) Reasonable access
- (vii) Flounder nursery

Issues:

- (i) Rubbish dump
- (ii) Water quality
- (iii) Sedimentation and soft sediment
- (iv) View screened by stopbanks
- (v) Spartina growth and spread

5. Stead Street upstream to Rail Bridge

Values:

- (i) Sheltered
- (ii) Migratory fish passage
- (iii) Floodway
- (iv) Black flounder habitat
- (v) Reasonable access

Issues:

- (i) Water quality
- (ii) Stormwater discharges
- (iii) Sedimentation and soft sediment
- (iv) Spartina meadows

6. Rail Bridge to North Road

Values:

- (i) No Spartina
- (ii) Remnant of indigenous habitat has high conservation value
- (iii) Floodway
- (iv) High amenity value
 - wide berms
 - very visible
- (v) Potential reserve
- (vi) Very good access
- (vii) Whitebait breeding area

Issues:

- (i) Water quality
- (ii) Loss of habitat
- (iii) Preservation of flood carrying capacity

7. The mouth of the Kingswell Creek to Mokomoko Inlet (excluding the inlet)

Values:

- (i) High ornithological value (feeding and roosting);
 - shell banks are a Caspian Tern breeding area
- (ii) High heritage value in Stanley Town area
 - remains of old wharf and channel markers.
- (iii) Significant contributor to open space and quality of light values
- (iv) Gamebird hunting area
- (v) Rocky outcrops add to landscape diversity and provide bird roosting areas
- (vi) Shellfish beds (cockles and mussels)
- (vii) Several creek mouths; important for migratory fish and whitebait breeding

Issues:

- (i) Widespread Spartina growth (Spartina meadows)
- (ii) Water quality
- (iii) Invercargill sewage discharge

- (iv) Difficult access
- (v) Sedimentation and soft sediments at northern end

8. Mokomoko Inlet

Values:

- (i) High heritage and archaeological value, both Maori and European
- (ii) Unmodified
- (iii) Sheltered, high recreational value
 - floundering
 - activities associated with children's camp facility at Omaui
- (iv) Lack of Spartina
- (v) No point source discharges
- (vi) Well flushed
- (vii) Reasonable access
- (viii) Bird feeding area

Issue:

- (i) Potential spread of Spartina

9. Mokomoko Inlet to Omaui Island

Values:

- (i) High heritage value
 - Omaui site of a former Maori kaik
 - history of ship wrecks
- (ii) Omaui Island a significant bird breeding area
- (iii) Navigation area from estuary to open coastal waters
- (iv) Firm sandy beach
- (v) High amenity value
 - provides outlook from reserve areas
 - coastal walking track
- (vi) High recreational value including recreational fishing
- (vii) Educational value (rocky and sandy shores)
 - heritage
 - camp activities
- (viii) High degree of naturalness
- (ix) Important marine and freshwater species nursery habitat and whitebait breeding area.

Issue:

- (i) Coastal erosion and loss of sand from beaches

Refer to Maps 9, 9a and 9c
in Appendix 3

3.9 Coastal Values - Bluff Harbour And Awarua Bay

3.9.1 Introduction

Unlike the embayments of the New River Estuary, Toetoes Estuary and the Jacobs River Estuary, Bluff Harbour and Awarua Bay do not have a large freshwater input. To the extent that an estuary is defined by the reduction in salinity attributable to inputs of freshwater, Bluff Harbour is not particularly estuarine. The harbour is, however, very well flushed and offers many, if not more, of the values found in other Southland estuaries/harbours.

Of particular note, is the apparent high water quality. There are few non-point source contaminants entering the harbour.

Bluff Harbour and Awarua Bay are of similar extent and cover a combined area of 5,700 hectares. The harbour area contains Southland's major port facilities. The port is characterised by the reclaimed nature of the principal wharf areas, the relatively deep swing areas and the narrow entrance channel and associated strong currents. The swing area is maintained at 9.2 metres deep by dredging as required. These facilities are

economically important to all of the Southland region, as is the wharf servicing the New Zealand Aluminium Smelter and the smelter itself. The port consists principally of three wharf structures: Tiwai Wharf (services the smelter), Town Wharf (principal use is for transferring petrol/diesel (fuels)), and the Island Harbour Wharf. In addition to these wharves, there are others which serve the fishing fleet and ferries.

Much of the land adjoining the harbour, and Awarua Bay in particular, is Crown estate managed by the Department of Conservation or indigenous vegetation. Consequently, the natural character of the area is highly rated, and given the high water quality the area offers a wide range of opportunities including marine farming, recreation and habitat. The unmodified and unspoilt nature of the east end of Awarua Bay is of particularly high value. Invercargill City Council is trying to improve the conservation values of Tikore and Joeys Islands.

3.9.2 Areas Containing Significant Values

The Department of Conservation has defined all of Awarua Bay to be an area containing significant values, principally because it is an unmodified habitat of national importance, especially the large eel grass beds and maritime marsh, which adjoins Crown estate managed by the Department of Conservation including the Waituna Wetlands Scientific Reserve and Tiwai Peninsula Conservation Land (see ACSV 14-06 in Appendix 5).

3.9.3 Marine Mammals and Birds

Awarua Bay holds large numbers of migratory waders, local waders and waterfowl in an unmodified habitat. From late spring to early autumn, Awarua Bay is home to many hundreds of migratory waders including at least 21 species from the northern hemisphere. The Siberian tattler and the sandling are just two of the migrant waders which occur here and are rarely found in other New Zealand estuaries. The bay is also the autumn and winter habitat of the Stewart Island sub-species of the New Zealand dotterel whose status is vulnerable. There are only about 100 birds in the total population. The bay is also a moulting area for several hundred black swans and there are also Stewart Island shag colonies on several small islands in Bluff Harbour (Appendix 5).

3.9.4 Ecosystems, Vegetation and Fauna Habitats

Awarua Bay, with its extensive low tide feeding areas, is part of the five Southland estuaries complex which are ranked in the top five most important wading bird habitats in New Zealand. This wetland complex is internationally recognised and is an integral part of world wildlife habitat.

Bluff Harbour provides nursery habitat for flounders.

An area of unusual coastal vegetation identified as “Machair” has been found near the Ocean Beach Freezing Works. It is well known in the Northern Hemisphere and distinguished by a small range of low-growing salt tolerant plants on highly calcareous sand above the high-tide mark on exposed rocky coasts.

3.9.5 Heritage and Archaeological Values

Bluff was the first permanent European settlement in the South Island and possibly New Zealand (established 1824). Bluff was an early whaling base and there is the hull of the “Star 3” on Tikore Island which was a whale chaser belonging to the Ross Sea Whaling Company. However, the most tangible links to past European activity within the coastal marine area have been lost through foreshore reclamation.

3.9.6 Maori Values

Before the Europeans arrived, Ocean Beach was the home of Te Whera/Te Wera, a local rangatira. The argillite outcrops on the harbour islands, particularly Colyers Island, were a source of adze material and the remains of adze factories and other pre-European Maori activity remain within the harbour confines. The information on some sites of significance to Maori is held on "silent" files to protect the sites from fossickers and curio-hunters. The harbour is a source of mahika kai, flounders and pipi in particular.

3.9.7 Natural Character and Landscape Values

Much of Bluff Harbour and Awarua Bay are bordered by Crown estate managed by the Department of Conservation which is largely peatland overlying white quartz gravels. This land is of low relief and covered by various forms of low indigenous vegetation, including sub-alpine or montane species. The upper parts of the foreshore are characterised by fine gravel beaches and iron-stained quartz pebbles, some of which are ventifacts. At lower levels, these give way to sand flats, rather than mud flats.

Ventifacts are rocks or stones that have been naturally shaped by the abrasive action of wind-borne sand. They range in size from a few centimetres to more than a metre but generally are less than 30 centimetres.

Depending on the rock type, the surfaces range from deeply pitted to highly polished faces. Their general appearance can resemble Maori stone tools and they are often mistaken for artefacts. It is believed they were formed when sand and loess deposition took place approximately 10,000 years ago during periods of lowered sea levels and strong winds. Some ventifacts are thought to be much older.

Ventifacts occur in Southland's coastal marine area from Riverton to Slope Point and Stewart Island. They are most common in the Riverton, Bluff Harbour, Mokomoko Inlet, Greenhills, Awarua Bay and Mason Bay areas. Although ventifacts are reported from northern localities, Central Otago, Kaikoura coast and Waitotara, the Southland occurrences are much more substantial and exhibit a wider range of shapes and sizes in a number of stone types.

The character of the area reflects its location on an exposed windy coast, but while the area can at times take on a desolate appearance, it can also be very peaceful, the value of which is enhanced by the lack of visually intrusive elements and the reflective qualities of areas of open water. The area conveys a sense of wilderness disproportionate to its location.

3.9.8 Recreational and Amenity Values

Bluff Harbour and Awarua Bay are popular for recreational fishing and boating, particularly yachting. Bluff Harbour is the only remaining sheltered coastal yacht racing venue that is suitable for trailer yachts left in Southland. The harbour also plays host to rowing regattas. Much of the shoreline of Awarua Bay is accessible and is popular for casual picnicking, walking and bird watching. Awarua Bay is the single most popular windsurfing venue in Southland and is commonly used by people seeking more sheltered water for kayaking and small boating activities.

There is a detectable trend for recreational activities to transfer to Awarua Bay or Bluff Harbour subsequent to pressure of use or unsuitable conditions elsewhere. There is a feeling that the recreational potential of the area has not been recognised.

There are no significant conflicts between recreational users at current levels of use.

3.9.9 Educational Values

Bluff Harbour, and Awarua Bay more so, are regularly used by schools for estuarine studies.

3.9.10 Coastal Landforms and Associated Processes

Awarua Bay has good examples of late Quaternary (Holocene) low terrace deposits.

3.9.11 Principal Issues

- 1 Storage of crayfish or cod pots in Bluff Harbour.
- 2 Amenity values and natural character are affected by port facilities and activities.
- 3 Aquaculture in eastern Awarua Bay and Bluff Harbour.
- 4 Spread of *Spartina*.
- 5 Maintenance and enhancement of water quality.
- 6 Protection of significant habitats of indigenous fauna.

3.9.12 Values and Issues of Specific Areas of Bluff Harbour and Awarua Bay

The following list of values and issues are for specific areas of Bluff Harbour and Awarua Bay. Bluff Harbour and Awarua Bay are considered to be of high educational value. Highlighting the values and issues of this area will identify the educational opportunities provided by the harbour and bay.

Values:

- (i) The port area is located adjacent to the township of Bluff and includes Tiwai wharf which services the Aluminium Smelter. The facilities contained in this area are economically important to all of the Southland region.
- (ii) Commercial port activities co-exist with several recreational facilities. The Bluff Yacht Club, Awarua Rowing Club and Sea Scouts have bases adjacent to the port, and there are also public boat ramps.
- (iii) Bluff Harbour provides a significant vista to much of Bluff township, passers-by on State Highway 1, the many travellers who make a special trip to the southern end of State Highway 1 at Stirling Point, Bluff, and the top of Bluff Hill.
- (iv) Some experimental marine farming activity is taking place.
- (v) Mooring areas opposite the Greenpoint Yacht Club.
- (vi) There are several sites within the harbour which are of special historical or spiritual significance to the tangata whenua.
- (vii) Shellfish gathering and recreational fishing is widely undertaken within the entire harbour.
- (viii) The entire harbour is used for either organised or casual sailing, or small boating activity operating from boat ramps located at Bluff or south-west of the causeway, and Awarua Bay.
- (ix) The beaches located between the town wharf and Stirling Point are popular for recreational activity.
- (x) Water quality is perceived to be very good within the harbour, although there is little evidence to confirm, or otherwise, this perception.
- (xi) Awarua Bay, particularly east of Muddy Creek and around Cow Island, is a nationally important bird habitat, particularly for trans-equatorial migrant birds. The endangered Stewart Island sub-species of the New Zealand Dotterel overwinters in the area. Awarua Bay is also a popular waterfowl area, particularly for black swans.
- (xii) Wildfowl hunting is relatively unpopular on Bluff Harbour compared with other estuaries or harbours in Southland.

- (xiii) The harbour provides nursery habitat for flounders, and presumably other marine species.

Issues:

- (i) Abandoned structures can be visually unattractive, and a threat to public safety and property.
- (ii) In the past, some concern has been expressed by the owners of recreational craft over the practice of storing crayfish or cod pots on the seabed.
- (iii) Oil spills threaten the amenity values and ecosystems within the area, to the detriment of recreational, food gathering, and aquacultural values.
- (iv) Port facilities and activities can affect the natural values of the harbour, water quality, amenity, views and noise.
- (v) Marine farming activity in Bluff Harbour and the eastern part of Awarua Bay could adversely impact on water quality, significant habitats of indigenous fauna, landscape, tranquillity, and recreational values of this area.
- (vi) Spread of *Spartina* through drainage channels in Mokomoko Inlet, Bluff Harbour and Awarua Bay.

Refer to Maps 9–9b
in Appendix 3

3.10 Coastal Values - Tiwai Point To Fortrose

3.10.1 Introduction

This coastline is notable for its relatively steep, dynamic, sand and quartz gravel beaches bounded by low coastal vegetation specifically adapted to the southerly winds to which it is so exposed. This vegetation sits on relatively flat barrier beach/peninsula formations much of which have some form of conservation status. Behind these areas lie the estuarine waters of Awarua Bay, Toetoes Estuary and Waituna Lagoon. The New Zealand Aluminium Smelter complex is located on the Tiwai Peninsula near the west end of this coastal reach. Offshore lies Dog Island, Green Island (and other Maori-owned islands), and the much larger Ruapuke Island.

3.10.2 Areas Containing Significant Values

The coastal strip adjacent to Fortrose Spit and extending one kilometre seaward from the mean high water mark springs, has been identified by the Department of Conservation as an area of conservation value (see ACSV 14-07 in Appendix 5).

3.10.3 Natural Character and Landscape Values

The dominant landscape elements in this reach are the extensive shingle beaches, gravel bars, dunelands and their associated native vegetation, and the adjoining peat bogs, lagoons, estuaries, salt marshes and tidal flats, most of which are largely unmodified. The lack of modification results in the area having very high natural character of a type not found elsewhere in the region. (See Appendix 4, Landscape Unit 5).

The combination of open coastal and estuarine water bodies separated by intact indigenous vegetation gives rise to a landscape which, while not picturesque in the usual sense, has its own desolate and remote beauty. This attracts people on a regular and ongoing basis, but perhaps not in the same numbers as elsewhere. Access can be a limiting factor.

3.10.4 Heritage and Archaeological Values

While the mainland is not renowned for its archaeological or heritage values, the coastal waters and Ruapuke Island are. In the early 1800s, there was a thriving Maori community on Ruapuke. It was also an early mission station and an important provisioning point for early whalers, sealers and traders, as well as a significant provider to mainland Southland. A smaller Maori community was located near the Toetoes Estuary. There was also a pre-European adze factory at Tiwai Point. The Dog Island lighthouse is also significant as it is the tallest in New Zealand (36 metres) and was built in 1865. The wreck of the 'Waikouaiti' (1939) also lies off Dog Island.

3.10.5 Coastal Landforms and Associated Processes

Tiwai Peninsula, Waituna Lagoon and Fortrose Spit are all geologically recent landforms connected to changes in sea level and the Maitava River. Submarine lignite deposits found in Toetoes Bay are rated as being of regional geological significance because they illustrate sea level rise and tectonism since early Quaternary time.

While the relief of the peninsulas, spits and barrier beaches along this reach is low, they have strong, yet soft, horizontal lines. The dune system on the Fortrose Spit has been identified as containing a diverse and natural community of dune species which is rated as nationally important. The interaction between the sea and inland waters is evident by the natural closing of the Waituna Lagoon outlet and the instability of the bar at the mouth of the Toetoes Estuary.

The nearshore and foreshore protect these landforms from the action of waves. Sediments, especially quartz gravels are derived from local sources.

Past coastal monitoring has suggested a trend towards accretion but this is possibly not indicative of every location within this reach.

Almost all of the beach contains deposits of gold and platinum.

3.10.6 Recreational and Amenity Values

To some extent the recreational values are limited by a lack of access to this reach. For some, the lack of easy access is a challenge largely overcome by the use of three or four wheel motorcycles, while others use rough tracks created on the shallow peats and pea gravels above the mean high water mark.

Direct access to the coast is available at the east end of Waituna Lagoon, and for those with prior written permission from New Zealand Aluminium Smelter, access is available through the smelter grounds to the beach behind. The west end of this beach is relatively sheltered and marks the change from beach to rocky shore.

The wild, wilderness character of the beach can be an attraction in itself. Trout fishing at the mouth of the Waituna Lagoon is very popular, the spot being renowned for very large sea-run trout. Generations of people are drawn year after year to the lagoon for trout fishing and gamebird hunting.

Surfcasting from the beach is an occasional activity and scuba diving and snorkelling are undertaken around the rocks at the western end.

Although the soft and sometimes steep gravels make the beach tiring to walk on, it does attract people who seek to beachcomb or enjoy the wilderness experience. Further out to sea, recreational diving for paua, crayfish and to a lesser extent oysters and fishing, are popular activities for people on pleasure boats launched at Bluff or Fortrose.

3.10.7 Marine Mammals and Birds

While right whales are occasionally observed from the shore and dolphins more frequently so, the area has no particular significance for marine mammals.

Some birds, especially black-backed gulls, oyster catchers and banded dotterel, nest on the gravel platform at the top of the beach.

The rocks east of Tiwai Point are a roosting area for Stewart Island shags.

3.10.8 Ecosystems, Vegetation and Fauna Habitats

The vegetation on Tiwai Peninsula landward of the beach includes a small area of *Olearia nummularifolia* (coin-leaved daisy) which is normally a subalpine shrub, and the

southern limits of other subalpine species such as the *Donatianovae-sealandiae* (a cushion plant) matagouri and speargrass. The peninsula is regarded as a fine example of recovering vegetation subsequent to the cessation of burning, and grazing by domestic animals. There is also significant invertebrate fauna, especially moths, many of which are usually only found in subalpine areas.

Further to the east, Waituna Wetlands Scientific Reserve adjoins the coastal marine area. This 10 kilometre long, 3,500 hectare reserve, has been designated as a Wetland of International Importance, the values of which are more particularly documented in the Oceania Wetland Inventory, a copy of which is available from Department of Conservation.

A three kilometre strip of coastal farmland separates the scientific reserve from the Fortrose Spit, which contains nationally significant dune communities.

In this reach, while the foreshore and nearshore are not particularly significant in terms of vegetation and fauna, the land adjoining it is quite the opposite. The foreshore can tolerate considerable use so long as those activities do not adversely impact on the adjoining land.

The waters off Ruapuke and Green Islands are productive rock lobster and paua fisheries, commercial paua fishing being prohibited from within one nautical mile of their shoreline.

3.10.9 Commercial Values

The seas off this coast are commercially important for crayfish, blue cod and paua, and is also important for dredge oysters.

All of the foreshore (and some of the seabed) is subject to either mining or prospecting licences for gold. Recent history has seen a few mining operations come and go but there are signs of continuing and renewed interest.

3.10.10 Navigational Safety

Dog Island is owned by the Maritime Safety Authority who operates a lighthouse on the island. Another smaller light is located in this area on land at Bushy Point and together with lights at Waipapa and Slope Points further to the east, and a lighthouse at Centre Island west of Bluff, ships are guided through Foveaux Strait.

3.10.11 Principal Issues

- 1 Lack of access to the area and consequent need to preserve access along the beaches.
- 2 Threat of activities in the coastal marine area adversely affecting the natural values of adjoining coastal environment.

Refer to Maps 9b
in Appendix 3

3.11 Coastal Values - Toetoes Estuary

3.11.1 Introduction

Adjacent to the small township of Fortrose (population approximately 30) lies the Toetoes Estuary, an area containing approximately 400 hectares of expansive tidal flats, 13 kilometres of the lower Mataura River and four kilometres of the Titiroa Stream. The relatively large riverine component of this estuary distinguishes it from other Southland estuaries in the coastal marine area.

3.11.2 Areas Containing Significant Values

The estuary has been included in a wider area seaward of the estuary, which has been identified by the Department of Conservation as being an area containing significant values (see ACSV 14-07 in Appendix 5).

3.11.3 Natural Character and Landscape Values

The northern and southern boundaries of the open water expanse retain significant proportions of indigenous vegetation despite past drainage, grazing and the introduction of marram. The eastern boundary retains little indigenous vegetation as compared with the northern and southern boundaries of the open water expanse of Toetoes Estuary. The western boundary is represented by the Maitua River. The riverine sections of the estuary generally lack riparian vegetation apart from willows along some sections. The western bank of the Maitua River is flanked by an access road and stopbank from Gorge Road Bridge to Big Bend.

As a landscape, the estuary is most highly rated when viewed from the Gorge Road to Tokanui highway north of Fortrose where the nine kilometre long sandspit provides a natural backdrop to the expanse of water in the foreground (Appendix 4, Landscape Unit 5).

3.11.4 Coastal Landforms and Associated Processes

The estuary, dune system and Fortrose headland illustrate another example of headland/bay beaches created by sustained periods of river and sea interaction.

There is no evidence to demonstrate or refute sedimentation within the general estuary, but given the nature of estuarine processes one would suspect that sedimentation is occurring to some extent.

There are siltation problems at the mouth of the estuary but this is not a new phenomena. In her book "A History of Fortrose" Joan McIntosh records that the bar at the harbour entrance silted up and the channel narrowed between 1860 and 1890.

The low swampy land between the Maitua River and Titiroa Stream is located on the Maitua Floodway and is inundated to a greater or lesser degree on a regular basis.

3.11.5 Heritage and Archaeological Values

From about 1850 until the early 1900s, ships regularly visited Fortrose and unloaded onto the jetty, which no longer stands. In 1886, the steamship "Ino" was wrecked in the harbour. Its remains, which are visible at low tide, provide a tangible link with that era.

Prior to this period in the mid 1830s, a shore whaling station operated out of the harbour, although Maori were the first to permanently settle in the area with Toetoes being an early Maori village. Several archaeological sites have been recorded in the vicinity of Fortrose township and on the spit.

3.11.6 Ecosystems, Vegetation and Fauna Habitats

While the estuary itself is only of moderate importance as a bird habitat, the tidal mud flats are an important component of the Awarua Wetland complex. The estuary has been nominated for designation as a Wetland of International Importance. No *Spartina* infestation has yet been recorded on the estuary mudflats.

The estuary provides significant habitat for juvenile and adult flatfish and is a breeding ground of the collective whitebait species. The whitebait fishery in both the Maitua and Titiroa Rivers is the most productive in the region. In the "Wetlands of National Importance to Fisheries Database", the estuary is rated as outstanding.

The prolific food source of whitebait and smelt results in the river reaches being a significant rearing area for brown trout, some of which grow to 10 kilograms.

The water quality of the estuary is adversely affected by non-point source discharges and the cumulative effect of point source discharges upstream, including treated sewage from Wyndham, Maitua and Gore and industrial discharges along the lower Maitua River Valley.

The faecal coliform levels for shellfish gathering are frequently exceeded and those for contact recreation are also sometimes exceeded.

The levels of the three major nutrients; nitrates, ammoniacal nitrogen and dissolved reactive phosphorus, all indicate that the estuary is sufficiently eutrophic to result in nuisance phytoplankton or algal (seaweeds) growths.

Part of the catchment of the lower Maitua River overlies the Ashers-Waituna lignite field, the largest brown coal resource in New Zealand. There is concern that future development of this resource could adversely impact upon the estuary.

There is a Conservation Order (still subject to appeal) which restricts abstraction of water from the Maitua River to a maximum of five per cent of the natural flow.

Fortrose Spit is a key site for coastal invertebrates and rare pingao and the threatened native dune sedge *Poa trioides* are present in the dunes.

3.11.7 Recreational and Amenity Values

The recreational use of the estuary is somewhat higher than may be expected at first glance. The principal recreational use is whitebaiting. There are approximately 250 whitebait stands on the lower Maitua River and the Titiroa Stream and while some catches may be sold, most whitebaiting is non-commercial. A big part of the pleasure of whitebaiting is the relaxation and enjoyment that comes with a day on the river. Some whitebaiters also partake in trout fishing while whitebaiting.

The Maitua River is promoted as the best brown trout fishery in New Zealand. The 13 kilometre long estuarine section undoubtedly contributes to that value, both as a source of trout for the more intensely fished upper reaches and by providing a tidal water fishing experience, which is quite different to that available anywhere else on the river.

Gamebird hunting takes place within the estuary but it is mainly confined to shooting from shore with few maimais erected on the tidal flats.

Picnicking on the shore in the lee of the Fortrose Spit is a popular activity on fine summer days. Three cribs are also located in this area. Access to the estuary side of the spit is by boats launched from the Fortrose ramp.

Flounder netting and spearing is popular, especially on the Fortrose foreshore and adjacent to the above picnic area. Shellfish gathering is also undertaken in the lower estuary and eeling, both recreational and commercial, occurs in the river sections.

Occasional use is made of the estuary for water-skiing, yachting and wind surfing, with some small boat activity associated with duck shooting, whitebaiting and exploring the estuary.

Access to the estuary is generally good. The west bank of the lower Maitua River and a significant part of the east bank are flanked by formed roads. Good access can be had to the lower estuary at Fortrose. To some extent, the lack of easy access to other areas is part of their attraction. Virtually the entire periphery of the estuary is bounded by legal roads, although many are unformed.

3.11.8 Marine Mammals and Birds

As with other estuaries, Toetoes Estuary is occasionally visited by dolphins and the odd seal, but the estuary is not particularly notable in respect of marine mammals. A total of 39 bird species have been recorded within the estuary and while some may breed in vegetation on its margins, most use the estuary for feeding purposes.

3.11.9 Principal Issue

- 1 The level of faecal coliforms and nutrients within the estuary waters is too high due to contamination from domestic, industrial and rural point and non-point sources entering the rivers.

3.12 Coastal Values - Fortrose To The Brothers Point

Refer to Maps 9b and 10
in Appendix 3

3.12.1 Introduction

This is a diverse coastline featuring long sandy beaches, rocky headlands, striking rocky cliffs, nearshore rock platforms, petrified forests and two fine examples of estuaries. Additional to these natural values, the area has a rich cultural heritage, both Maori and European.

3.12.2 Areas Containing Significant Values

The area between Slope Point and The Brothers Point, which is characterised by rocky bluffs, cliffs, coastal platforms, regionally significant estuaries and a prominent beach, has been identified by the Department of Conservation as an area containing significant values (see ACSV 14-08 in Appendix 5).

The area also contains significant populations of yellow-eyed penguins and Hector's dolphins. A number of New Zealand (Hooker's) sealions have been resident at Waipapa Point since 1995. The exposed fossil sediments of the Jurassic period, which are present along a large portion of the coast, notably Curio Bay and its petrified fossil forest on an intertidal shore platform, are rated as nationally significant.

3.12.3 Natural Character and Landscape Values

This length of coastline has been identified as containing four distinct landscape units. Those are: Porpoise Bay; Haldane coast; the beaches east and west of Waipapa Point; and the gravel/sand beaches near Fortrose. (See Appendix 4, Landscape Units 1, 2, 3 and 4 respectively)

Porpoise Bay is a long curving bay backed by a narrow belt of high marram-covered sand dunes. It extends from the mouth of the Waikawa River to an elevated headland which shelters the western end of the beach and separates it from Curio Bay. The Haldane coast features long headlands with steep rocky sea cliffs backed by "drowned" coastal features. The continuity of the sea cliffs is interrupted by the indented sandy bay at the mouth of the Haldane Estuary. West of Slope Point there is a zone of transition before the long sandy Waipapa Beach, backed by broad dunes and coastal ponds, begins to dominate the landscape. A series of rocky reefs which extend well offshore mark the western end of Waipapa Beach above which sits the Waipapa Point lighthouse. A shorter yet similar beach continues westward of Waipapa Point towards the Fortrose landscape unit, which is characterised by a series of low headlands with offshore reefs interspersed with a series of beaches, notably Frasers Beach.

While the natural character of the coastal environment in this reach is not rated particularly highly, this is largely a consequence of the activities that take place on the adjoining land. For a large part, particularly in the Waipapa, Haldane and Porpoise Bay landscape units, the foreshore users are largely unaware of the activities that take place on the adjoining land. In the Fortrose unit, where the adjoining land is of lower relief and farmland extends very close to the shoreline, the naturalness of the coastal margins is diminished.

3.12.4 Coastal Landforms and Associated Processes

The 160 million year old fossil forest at Curio Bay lies exposed on an intertidal shore platform. Along the landward edge of this platform, fresh exposures of logs and stumps occur as the overlying sandstone erodes. Fossil forests of this age and variety are internationally rare. This fossil forest has a reserve status and any removal of material from this area is prohibited.

The Haldane landscape unit reflects the results of a series of short folding zones and the rocky headlands east of the Waikawa Estuary result from similar processes.

The beaches are a product of the interaction of the rivers, land and sea over thousands of years, although the introduction of marram has had a stabilising effect, particularly on Waipapa Beach where there has been a large amount of accretion. This trend is reflected to a lesser extent along Porpoise Bay. However, the trend is not irreversible, especially in Porpoise Bay, where at the Waikawa Spit there have been large losses of sand dunes since 1950.

3.12.5 Recreational and Amenity Values

All of the rocky shores are popular for recreational paua gathering when sea and weather conditions permit. Similarly, these areas are also popular for scuba diving, snorkelling, spear fishing, crayfishing and surfcasting from the rocks. While all suitable areas of the coast are used for such activities, they are concentrated around points with good access, especially at Waipapa Point and Slope Point.

Recreational fishermen also gain access to these areas by boat, launching from sheltered areas in Haldane, Waikawa or Toetoes estuaries or by beach launchings. In the latter category, many boats launch from a ramp at the south-east end of the first beach east of the Toetoes Estuary mouth.

The west end of Porpoise Bay is a popular swimming beach where Hector's dolphins often swim close to bathers. The Waipapa Point beaches contain some very safe bathing areas behind rocky reefs.

The beaches and rocky areas along this reach are also extremely popular for more passive recreational pursuits such as beach walking, picnicking and sightseeing. These values are also increasingly being enjoyed by tourists who travel the southern scenic route as an alternative to the usual highway between Invercargill and Balclutha. The petrified forest also provides for localised scenic value.

Established camping grounds are located at Curio Bay and Weirs Beach (Haldane Estuary).

There is a reasonable density of access points to the various beaches and headlands along this coast, the density being such that some areas still retain an element of remoteness. Two, three, and four wheeled motorcycles are used to facilitate access along beaches in some areas. There is no restriction on this type of activity except for the most popular bathing areas along Porpoise Bay where frequent motorcycle activity would reduce the amenity of beach users.

3.12.6 Marine Mammals and Birds

Hector's dolphins are resident in the Porpoise Bay area during the months of October to March. This species of dolphin is of international significance as it is endemic to New Zealand, that is, it is found in no other country in the world. The population in Porpoise Bay is also nationally significant, as it is one of the few places in New Zealand where these dolphins are easily viewed by the public. They feed around Waikawa Harbour and in the surf at the southern end of the bay. They are an attraction in their own right and add to the value of the bay.

There are numerous small breeding colonies of rare yellow-eyed penguin along this coast. Sites include North Head, Slope Point, Flaxy Head (Curio Bay) and Te Rere Reserve at The Brothers Point, the largest breeding colony of yellow-eyed penguins in the southern Catlins. A considerable amount of fencing and replanting has been undertaken at this site by the Royal Forest and Bird Society to enhance the habitat of this colony.

New Zealand fur seals haul out on rocky shores and Hooker's sealions favour sandy or pebbly beaches along this coast including The Brothers Point, White Head and Porpoise Bay itself, although the number using them is small. A number of sealions have been resident at Waipapa Point since 1995.

3.12.7 Ecosystems, Vegetation and Fauna Habitats

Little detailed information is known on the marine ecosystems that exist along this reach. Apart from the habitat value of the area to Hector's dolphins, there are not known to be any habitats of vegetation or fauna which are particularly different from elsewhere.

The dolphins are presumably found in the area partly because of the food supply and the same could probably be said for seals and penguins, but both these species require suitable landward habitat as well.

From Waipapa Point to Fortrose, commercial fishing for paua is prohibited within half a nautical mile of the shore.

3.12.8 Heritage and Archaeological Values

As can be expected from an area rich in natural food sources, many Maori archaeological sites (some as yet unrecorded) occur along this section of coast.

Amongst the sandhills at the eastern end of Waipapa Beach lie the remains of an old bucket dredge, a reminder of the gold mining history of the area and this beach in particular. This particular dredge began working in 1935 but previous gold mining attempts on this beach date back to 1890. There is also a historic marine beacon at Slope Point, which is the southern most point of the South Island.

On a reef offshore of Waipapa Point lies the remains of the Tararua, a steamship which sank in 1881 with the loss of 131 lives. It remains one of New Zealand's worst shipping disasters and led to the construction of the Waipapa Point lighthouse in 1883. There are also the remains of the Luna which was wrecked in 1843.

3.12.9 Commercial Values

The principal commercial value is for fishing, especially for a small fleet operating out of Waikawa Harbour.

Tourism is becoming increasingly significant as both New Zealand and overseas visitors become more aware of the beauty and character of the area.

Gravel is extracted from Frasers Beach for export. There is doubt as to what is a sustainable extraction rate.

3.12.10 Coastal Landforms and Associated Processes

Jurassic sediments, rich in fossilised plant remains, occur along the coast in the Slope Point area and around Curio Bay/Flaxy Head. The petrified forest at Curio Bay is exposed on an intertidal shore platform and is 160 million years old.

3.12.11 Principal Issues

- 1 Diminished natural character because of landward activities encroaching onto the coastal margin and coastal marine area.
- 2 Potential effects of coastal erosion and sea level rise on sand dune systems in Porpoise Bay.
- 3 Potential effects of gravel extraction.

Refer to Maps 10a and 10b in Appendix 3

3.13 Coastal Values - Waikawa Harbour and Haldane Estuary

3.13.1 Introduction

Waikawa Harbour and Haldane Estuary are two geologically significant estuaries on the south-east coast. Both estuaries are relatively unmodified by structures, reclamation or non-point source discharges despite being surrounded largely by pastoral land.

3.13.2 Areas Containing Significant Values

Both estuaries are contained within an area containing significant values identified by the Department of Conservation and known as "Waikawa" (see ACSV 14-08 in Appendix 5).

3.13.3 Natural Character and Landscape Values

Haldane Estuary, being only 220 hectares in area with roads around about fifty percent of its margins, is a compact and visible landscape. Parts of the estuary retain significant natural character, especially towards the seaward end where the margins include natural vegetation and a sandy spit. The catchment of the Waikopikopiko Stream, the main stream to enter the estuary, is largely located in the Catlins Forest Park.

Waikawa Harbour is approximately 760 hectares in area and is overlooked by several roads and rural dwellings. Rocky cliffs and remnant areas of bush along the shoreline enhance the natural character of the harbour, which is otherwise predominantly surrounded by pastoral land. The only structures in the harbour are wharves, pole moorings and a slipway which services the fishing fleet.

The Waikawa River is a significant tributary, and while most of the lower catchment is developed, much of the upper catchment remains forested.

The lack of modification to the catchments of both estuaries has substantial benefits to their water quality and natural character.

3.13.4 Coastal Landforms and Associated Processes

Both estuaries have been identified by the Geological Society of New Zealand in the Geopreservation Inventory, as good examples of estuaries. They are described as being extremely well defined, regionally significant landforms of scientific and educational value.

The Waikawa Harbour mouth and spit are extremely dynamic, the spit having reduced in size by a very large amount over the last 30-40 years. Sand movement and associated

sedimentation does affect the navigability of the harbour mouth from time to time. Sedimentation from river-borne material is not considered to be a problem.

The "Reservoir", a low coastal lake east of the Haldane Estuary, is a feature borne out of early gold dredging. It is now partially dammed to control the water level.

3.13.5 Recreational and Amenity Values

A small, but popular, camping ground is located at Weirs Beach on the shore of the Haldane Estuary. The larger Curio Bay camping ground is located between Haldane and Waikawa. Most of the Weirs Beach campers concentrate their activities around the Haldane Estuary and Slope Point whereas those staying at Curio Bay range further afield.

The Haldane Estuary offers good access to safe areas for swimming, canoeing and small boating. Floundering, fishing, shellfish gathering, walking and motorcycle riding are popular activities with trout fishing, whitebaiting and gamebird hunting being seasonally popular.

Similar activities take place on the Waikawa Harbour, but being of a larger scale it does not offer the compact experience of Haldane, nor the same amount of safety. Waikawa Harbour is a popular place for pleasure craft from the eastern Southland area. Craft often launch from Waikawa and travel around the coast for fishing and diving. There are 30-40 whitebait stands on the Waikawa River.

The most scenic areas of the Waikawa Harbour are readily accessible and visible from the southern scenic route whereas only the upper Haldane Estuary is visible from the same road.

3.13.6 Marine Mammals and Birds

Neither estuary is renowned for its birdlife, although Waikawa Harbour supports a number of waterfowl and waders which feed on the tidal mudflats. Compared with the estuaries of New River, Awarua Bay, Waituna Lagoon, Jacobs River and Toetoes, Waikawa Harbour and Haldane Estuary have lesser value as a wildlife habitat.

An internationally significant population of Hector's dolphins feed around the Waikawa Harbour mouth and Porpoise Bay area.

3.13.7 Ecosystems, Vegetation and Fauna Habitats

Both estuaries are known breeding areas for flounder. The "Reservoir" and tributaries of each estuary contain important habitats for whitebait (galaxid) species including the giant kokopu. These species breed in the tidal reaches of the tributaries. Eels and lampreys also migrate through the estuary waters.

The Waikawa Harbour has been identified as a Wetland of National Importance to fisheries.

Small infestations of Spartina grass in each estuary have so far been successfully controlled by spraying.

3.13.8 Heritage and Archaeological Values

Maori archaeological sites are particularly plentiful around much of the perimeter of the Waikawa Harbour. Recorded sites in the Haldane Estuary are concentrated around the lower estuary. The sheer number of sites suggest that these estuaries have long been valued as mahika kai (sea food gathering areas).

The area does have an interesting heritage, especially Waikawa Harbour. A shore whaling station (Grose's) was located at Trypot Bay just inside the entrance to Waikawa

Harbour from 1838-1843. Most other early history is associated with sawmills. Four shipwrecks have been recorded in the area but no evidence of these remain.

Old tramlines, coach roads, wharf piles and piles of ballast rocks within the harbour provide tangible reminders of the area's heritage.

3.13.9 Commercial Values

Waikawa Harbour is the base for a small commercial fishing fleet, currently numbering four boats. A charter boat also operates out of the area and a number of larger recreational ships are permanently moored for significant periods of time.

The harbour is an attractor for an increasing number of New Zealand and overseas tourists. Growing tourist numbers have created opportunities for new business ventures in the area.

3.13.10 Principal Issues

- 1 Potential loss of natural character by modification of estuaries.
- 2 The quality of incoming waters needs to be preserved.
- 3 Spread of *Spartina* needs ongoing control and management.

Refer to Maps 11-12a
in Appendix 3

3.14 Coastal Values - Stewart Island And Islands Offshore (including Ruapuke, Titi, Codfish And Big South Cape)

3.14.1 Introduction

The third largest island in New Zealand, Stewart Island, is a bastion of natural beauty. Of its 1,900 square kilometres, ninety percent is in Crown estate managed by the Department of Conservation, with much of the rest in Maori ownership. The permanent population reside on private freehold land centred on Oban at the head of Halfmoon Bay.

Stewart Island's 800 kilometres of coastline offers a diverse range of coastal landscapes and the waters that adjoin it are an important and productive fishery. The coast includes Paterson Inlet, Port Pegasus, Port Adventure and Lords River, large bodies of relatively sheltered water in what is otherwise an exposed and dynamic coastline.

The Island economy is inextricably linked to its surrounding seas and the very high natural character of the coastal environment. Commercial fishing is historically the most significant contributor to the local economy, while tourism is increasing in significance. Aquaculture is a contributor of note and there is widespread interest in furthering this industry in the coastal waters around the island.

The general absence of land use induced effects on water quality, the clarity of the waters, and their position on the fringe of a convergence zone of relatively cold nutrient-rich water and warm subtropical water, results in a water body with very high biological productivity. This productivity is the cornerstone of the fishing industry within the area.

3.14.2 Areas Containing Significant Values

All of the coast of Stewart Island, its offshore islands, and all the waters within five kilometres of the mean high water mark, except Big Glory Bay in Paterson Inlet, have been identified by the Department of Conservation as areas containing significant values (see ACSVs 14-09 – 14-16 in Appendix 5). Within these areas many values of national or regional significance have been identified, such as the brachiopod habitat in Paterson Inlet and Port Pegasus, the dunes of Mason Bay, the tombolo linking the

Ernest Islands to the southern end of Mason Bay, the scenic values and the unmodified nature of the marine ecosystem, and its value as a feeding ground.

Estuarine mudflats at the head of Paterson Inlet and around the upper reaches of its bays and arms are some of the few in New Zealand still in their natural state. They are considered vital for the functioning of the entire inlet. They are nursery areas for many fish species, and feeding grounds for many wading birds.

The islands in eastern Foveaux Strait are of national importance because of their wildlife and predator free status.

A marine reserve is proposed for part of Paterson Inlet centred around Ulva Island and extending from Native Island in the north to a two kilometre length of coast on the southern side of the Inlet west of Big Glory Bay.

3.14.3 Marine Mammals and Birds

Fur seals are common and Hooker's sealions and leopard seals occasionally haul out at places like The Neck, Codfish Island, Disappointment Cove, Shelter Point, East Cape, Port Pegasus, Broad Bay, Ernest Island and in north Stewart Island areas. Fur seals breed in many places around Stewart Island and its associated islands, while Hooker's sealions breed occasionally in southern Stewart Island.

Several vulnerable or rare bird species such as the reef heron and the New Zealand dotterel, feed on the tidal flats at river mouths and in bays. Trans-equatorial migrant waders also feed on the tidal flats. They are also important habitat for juvenile fish.

The Stewart Island kiwi feed on sandhoppers around kelp, on many of the Island's beaches, including Ocean Beach, and are quite a tourist attraction. Variable oyster catchers and banded dotterels are also found on several beaches around Stewart Island.

Paterson Inlet is the southern most destination of northern migrant waders and is a significant habitat for a wide range of shags, terns, gulls and penguins. 67 species of birds have been recorded in the inlet.

Bottlenose and dusky dolphins are often present in Paterson Inlet. Southern Right Whales also visit the island on their annual northward migrations.

South Georgian diving petrel and Cooks petrel breed on Codfish Island, feeding around Stewart Island waters, and Southern skua nest at the Brothers.

The islands of south-west and north-east Stewart Island, collectively known as the Muttonbird or Titi Islands, are important breeding habitat for mottled, storm and diving petrels, shearwaters and shags, and the surrounding seas are the feeding grounds for these birds. The shearwaters (muttonbirds) are commercially important to Ngai Tahu

Maori whose families have traditionally gathered these birds.

Yellow-eyed penguins are rare and are found ashore on many areas of the Island's coasts. Fiordland crested penguins (regarded as endangered), are found on some shores of Stewart Island and its islands offshore, with Codfish Island containing the highest breeding population of any island in New Zealand. Blue penguins are also found breeding ashore around many areas of Stewart Island. Codfish Island is a nature reserve and is nationally important as a refuge for wildlife, much of which relies on the surrounding sea for food.

3.14.4 Ecosystems, Vegetation and Fauna Habitats

The unmodified state of the habitat within the majority of the marine ecosystem of Stewart Island is its most significant value. Coastal marine communities are dominated by exposure, sea swell and clean water. Marine ecosystems of particular note are black coral colonies in Port Pegasus and brachiopod communities in Port Pegasus and

Paterson Inlet. Brachiopods are designated by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened internationally.

Paterson Inlet, being 16 kilometres long, is the major inlet on the island. It has extensive intertidal mudflats, significant islands and islets and a high diversity and richness of habitats.

Commercially undredged Foveaux oyster beds containing fragile and diverse lace coral, mollusc and sponge communities are present along the coasts off Port William, Mamaku-Bobs Point and Newtons rock.

The large lagoon, wetland/estuary complexes on Ruapuke and the dunes and intertidal areas of the Old Neck, provide feeding habitat for various endangered waders as well as trans-equatorial migrant waders. The islands in eastern Foveaux Strait (North, Motonui, Jacky Lee and the Bunkers Islets) and other islands in the South West Cape area, have a rodent-free status.

The wetland/estuary complexes of Freshwater and Rakeahua Rivers are important feeding habitats for various wader species on Stewart Island as well as habitat for whitebait and the long finned eel and a number of endangered native fish such as the giant kokopu and banded kokopu. The coastal lagoon estuary at Kilbride (southern Mason Bay) supports giant kokopu.

Wetland-estuary plant communities not well-represented elsewhere on Stewart Island occur in the small estuaries of Yankee River, Smoky River, Murray River, Maori River, Little Bungaree and Little River. They also contain a number of rare native fish.

Mason Bay's beach, creek mouths and dune area are feeding habitats for the New Zealand dotterel and banded dotterel. The dune systems also contain diversified natural plant communities and rare plants. The sandy shore also provides habitat for the large beds of unexploited tuatua.

The Stewart Island freshwater systems are unique because of the virtual absence of introduced species and catchment modifications have been limited. Consequently, the stream fauna is in a natural state and of high scientific and conservation value.

Stewart Island is well known for its highly diverse and comparatively luxuriant seaweed vegetation. The seaweeds are especially rich and diverse for New Zealand due to the high latitude, low sunshine hours and the range of aspects, clear water, substrate and degree of wave action. Over 70 percent of all Stewart Island's seaweed species have been recorded in Paterson Inlet. Stewart Island's north-facing coastlines offer habitats which are absent or rare south of Banks Peninsula.

The water quality of the coastal waters surrounding Stewart Island is regarded as being extremely high. For the most part, it is unaffected by riverine sediments with the exception of parts of Foveaux Strait which can be affected by sediments from the main Southland rivers.

The Strait itself is very well flushed as is evidenced by the largely coarse nature of the sea floor sediments.

The coastal waters of Stewart Island are also regarded as being some of New Zealand's clearest. This is a direct reflection of the low sedimentation regime operating around the coast.

As well as being clear, the coastal waters of Stewart Island lie close to the subtropical convergence zone, a zone characterised by its high productivity of phytoplankton and zooplankton. The high productivity combined with exceptionally clear water gives rise to a diverse array of marine species notable for their large size and often brilliant colour.

3.14.5 Natural Character and Landscape Values

With the exception of the north-east end of Paterson Inlet, Halfmoon Bay and Horseshoe Bay, the entire coastline of Stewart Island is virtually unmodified by people and as such, has extremely high natural character values. Stewart Island's coastline ranges from estuarine mudflats and sheltered waters, to granite bluffs. Paterson Inlet is the largest remaining example of a naturally forested inlet with intact vegetation sequences. Mason Bay's dune system and sandy shores are a distinctive part of Stewart Island's landscape. The offshore islands also have landscape values of being wild and remote. The clarity of the water and the close contact between forest edge and water is also impressive.

For descriptive purposes the coastal environment has been subdivided into nine units; Ruggedy, Mason and Doughboy Bays, South-west Coast, Pegasus, South-east Coast, Breaksea, Eastern Bays, North Coast and the Muttonbird or Titi Islands (see Appendix 4, Landscape Units 23, 24, 25, 26, 27, 28, 29, 30 and 31 respectively). Together with the very high natural character of the landward catchments, the natural character of the coastline and coastal waters creates a diverse coastal environment of outstanding quality. The resultant landscape is important for the way it is felt and perceived as much as how it is viewed. For many, Stewart Island has a spiritual value that often embodies a sense of connectivity with a particular place.

In trying to describe that quality, there is little need to go beyond the following quotes. Brinkman and Peat in "Stewart Island the Last Refuge", describe the coastline of Stewart Island as "spectacular, ranging in nature from estuarine mud flats gently nudged by the tide to granite bluffs that receive without respite the pounding, lashing swells of deep ocean". The pioneer botanist Leonard Cockayne wrote in "Report on a botanical survey of Stewart Island" that "it is hard to speak of the scenery of Stewart Island without using a superabundance of superlatives".

3.14.6 Heritage and Archaeological Values

Stewart Island has a heritage which largely revolves around the use of its natural resources.

Many archaeological sites indicate widespread use of the Island by early Maori, particularly in and around sheltered waters. Permanent settlements existed at The Neck, Port Adventure and Port William. Codfish Island has a very rich Maori history and in the 1820s was a permanent settlement for sealers, many of whom married local Maori. Relationships between Maori and sealers were not always cordial, as evidenced by place names such as Murderers Cove on Big South Cape Island. Many of the small islands around the south-west and eastern coast of Stewart Island are traditionally used by Rakiura Maori to gather muttonbirds (titi - sooty shearwaters) for food and trade.

Ruapuke Island was a very significant settlement in the past and figured extensively in early trade, navigation and settlement around southern New Zealand. A German Lutheran minister, Reverend Johannes Wohlers, established a missionary station on Ruapuke in 1844 and from this base served the Foveaux Strait inhabitants for 40 years. Remains from Maori and the mission settlement are still present on the slopes of Ruapuke.

Early Europeans exploited the timber, mineral and fishing resources of Stewart Island. The first permanent European settlement occurred at Port Pegasus in 1826 when an attempt was made to establish a ship building industry. The North Arm in Port Pegasus was later the site of a tin mining town, and one of the first refrigerated fishing bases was located there.

Port William also has a rich European heritage, firstly as a sealing base and later as the site of an organised Shetland immigration scheme in the 1870s. Broad Bay was the site of later European settlement, with fishing station, freezer and huts (1908-1913).

The remains of several sawmills exist on Stewart Island in Paterson Inlet, Maori Beach and Murray River. The earliest mill was established in Kaipipi Bay in 1861 and the last mill closed on the island at Maori Beach in 1931. Remains of the old wharf and building site can still be seen at Maori Beach.

The Norwegian Rosshavet Whaling Company established a shipyard in Prices Inlet in 1926 to service their Antarctic whale chasers with operations ceasing in 1932. There are significant remnants of this shipyard remaining. A whaling base in Kaipipi was also used in the 1930s by the Rosshavet Company as a repair and overwintering base. Kilbride (in southern Mason Bay) was another site of an early whaling station.

Stewart Island's rugged coast has had its share of shipwrecks including the brig "Industry", lost in a gale at Easy Harbour in 1831; the "Workington" in 1857; the "Pacific" off Pipi Rocks in 1864; "Calypso" in 1866; the barque "Emilie" in 1890 at Read Head; "Eclipse" in 1894 at Edwards Island; "Cavalier" in 1901 at Mason Bay and 50 fishing boats in the Island's coastal waters.

3.14.7 Coastal Landforms and Associated Processes

The Mason Bay sand dune complex, which adjoins the coastal marine area, is ranked as being of national importance, as is the tombolo that links the southern end of the beach with the Ernest Islands. Paterson Inlet, Port Pegasus, and Port Adventure are examples of drowned river systems and the crescent shaped bays of Halfmoon and Horseshoe are distinctive landscape features. Port Adventure and Lords River are small coastal inlets which contrast markedly in size and form to Port Pegasus and Paterson Inlet which make them unique topographical features south of Banks Peninsula. The granite exfoliation domes of Gog and Magog are listed in the Geopreservation Index as the best examples of exfoliation domes in New Zealand.

The nine landscape units that have been identified around Stewart Island (Appendix 4) each have a distinctive landscape which reflects its coastal location and underlying geology.

Beaches and shell banks have in the past been the source of gravel, sand and shell, as sand and shingle are generally in short supply on Stewart Island.

Island and offshore reefs and islets are representative of coastal landforms and topography that are rare or absent south of Banks Peninsula.

3.14.8 Recreational and Amenity Values

Recreational fishing is a popular pursuit for many visitors to Stewart Island. Scuba diving and snorkelling are particularly popular because the water is very clear, and there is a good variety of edible species that can be gathered, including scallops and dredge oysters which are relatively rare elsewhere on Southland's coast.

Stewart Island has a population of white-tailed deer which are regularly hunted. Access to hunting blocks is often via the coast by air or boat.

Tramping experiences offering easy access to an unspoilt environment are a key attractor for Island visitors. The coastal beaches form an integral part of the network of tracks throughout the Island.

While much of the amenity of the Island is sourced from the visual quality of its natural environment, the wilderness value and associated open space, peace and quiet, isolation and remoteness are also significant contributors.

The qualities of peace and quiet are also important contributors to the amenity of even the most populated areas of the island. The low ambient noise levels coupled with the high natural character create a restful, serene atmosphere.

3.14.9 Commercial Values

The main commercial uses of the area are fishing and tourism. A fishing fleet operates out of Halfmoon Bay and Horseshoe Bay where fish processing plants are located. The waters are also fished by boats based at Bluff, Riverton and elsewhere, with blue cod, rock lobster and paua being the main commercial species.

Big Glory Bay was the only available area for aquaculture on Stewart Island due to the moratorium which was in place. Current marine farms in this bay are licensed to farm salmon, mussels, dredge oysters and scallops. These farms are a tourist attraction in their own right.

The Foveaux Strait oyster fishery is a significant social, cultural and economic asset to Southland.

In recent years, there has been an increase in visitor numbers as well as an increase in the number and activities of ships and aircraft involved in servicing visitors. There has been some concern expressed in the potential growth of tourist numbers and the possible adverse effects this may create. There is an identifiable need to preserve the Stewart Island lifestyle.

3.14.10 Anchorage Value

Both Paterson Inlet and Port Pegasus, being substantial bodies of sheltered waters remote from any wharf facilities and located in the midst of an exposed part of the ocean, contain many small bays which have an extremely high anchorage value. Other equally important anchorages exist in small bays, tucked into islands or bigger bays around the Stewart Island coast.

Accessibility to these anchorages is essential to the safe operation of ships in the vicinity of the Stewart Island coast. A list of commonly used anchorages is in Appendix 6.

Many permanent moorings for fishing, tourist and recreational ships are located at Halfmoon and Horseshoe Bays. However, recreational ships tend to favour the more sheltered bays of Paterson Inlet. There are no wharves on the Island alongside which ships permanently berth.

3.14.11 Principal Issues

- 1 Preservation of natural character, heritage sites and amenity values.
- 2 Preservation of water quality.
- 3 Effects of increasing tourism.
- 4 Potential impact of increased marine farming.
- 5 Lack of local non-marine sources of sand and shingle.

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4 FUNDAMENTAL PRINCIPLES

This section provides the fundamental principles which are the framework for the rest of this Plan. They are derived from the Resource Management Act 1991 and the New Zealand Coastal Policy Statement. These matters are generic to all activities in the coastal marine area as well as the more specific objectives, policies and methods contained in other sections of this Plan.

The purpose of the Resource Management Act is *to promote the sustainable management of natural and physical resources*. Natural and physical resources within the coastal marine area include water (both saline and fresh), air, plants, animals, fish, minerals, sand, gravel, the seabed, and all human-made structures fixed to the seabed. Sustainable management as defined in the Act means:

“..managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

It is presumed that people and communities know best how to provide for their well-being, health and safety, and that they will do that themselves, either singularly or collectively, with or without assistance from central or local government. However, in doing that, people and communities are required to comply with the three basic constraints above. These constraints may restrict some uses, activities or development, but that is seen as necessary by Parliament.

It is considered that the objectives and policies in the Plan will collectively be working towards the maintenance and enhancement of the quality of the environment, and as such, no specific policies or objectives are included to address this matter.

One of the tasks of documents prepared under the Act, is to describe the means by which the concept of sustainable management will be promoted and the extent to which there will be constraints upon managing the use and development of natural and physical resources. In doing that, the following objectives and policies provide the framework for promoting sustainable management within the coastal marine area of the Southland region. These principles are seen as having equal weight and priority.

4.1 Protection of Values

See also Section 4.7

The coastal marine area of Southland includes a diverse range of habitats and areas, within which different degrees of development have occurred. In areas such as Fiordland, wilderness values dominate. Within port areas, development is to the fore and values of the area are influenced by the port activities that take place there. At other locations, there is a mixture of natural and built values.

Section 3 of this Plan seeks to identify the values that apply to the different parts of the coastal marine area. These values must be recognised by any applicant when applying for consent for any subdivision, use and development in the coastal marine area and by the consent authority. The adjoining territorial authorities should also recognise these values when preparing plans and considering consent applications which may affect these values. These processes will aid integrated sustainable management of the coastal environment.

ISSUE

Issue 4.1.1 - Use and development within the coastal marine area can have adverse effects on the values of the area.

Objective 4.1.1 and 4.1.2
Policies 4.1.1, 4.1.2, 4.1.3
and 4.1.4

OBJECTIVES

Objective 4.1.1 - Adverse effects

Policies 4.1.1 and 4.1.2

To avoid, wherever practicable, remedy or mitigate any adverse effects from the use and development of the natural and physical resources within the coastal environment.

Explanation - In furthering the enjoyment of the coastal environment, and in using this environment to fulfil social and economic needs, it may be necessary to undertake activities which have the potential to compromise the values offered by the coastal environment. Therefore, it is necessary to make a conscious effort in undertaking such activities to specifically identify any adverse effects they may create, and to improve, wherever practicable, the coastal environment. This may involve, in the first instance, some site investigation to determine the characteristics of the potentially affected area because the reality is that our knowledge of much of the coastal marine area is incomplete.

Specific values of the coastal marine area, identified during the preparation of this Plan, or as a consequence of public participation with resource consents, may require protection. These values are very diverse and include habitats, natural character, amenity, open space, landscape, biodiversity, tangata whenua and other cultural, historical, spiritual or conservation values. These values are the heritage of future generations. To provide that heritage the current generation has a responsibility to pass on the coastal values in a condition at least equal to that it enjoys. (Objective 13.2; Proposed Southland regional Policy Statement).

Objective 4.1.2 - Significant Conservation Values

Policies 4.1.1, 4.1.2, 4.1.3
and 4.1.4

To identify and protect significant conservation values within the coastal marine area.

Explanation - Principle 11 of the New Zealand Coastal Policy Statement stresses that it is important to protect representative or significant ecosystems and sites of biological importance, and to maintain the diversity of New Zealand's indigenous coastal vegetation and fauna. In the first instance, it will be necessary to identify the areas with significant conservation values and protect them in compliance with the provisions of Part II of the Resource Management Act. (This is Objective 13.7 of the proposed Southland regional policy statement). A number of known values of areas within the coastal marine area are contained in Chapter 3 and Appendix 5 of this Plan.

POLICIES

Policy 4.1.1 - Protection of values

Identify the values of the coastal marine area which require protection: the degree of protection of each value to be commensurate with the significance of the value.

Explanation - The protection of values of international, national and regional significance will rank higher than protection of values of local significance. However, adverse effects on each should be avoided wherever practicable. The effect of this Policy is to provide a hierarchy of protection, for example, to give values identified in

areas containing significant values a status commensurate with their significance. This Policy applies not only to natural values, but also to the economic values of port areas or the anchorage values of sheltered coastal waters. This Policy does not reduce in any way the general obligation under Section 5 of the Resource Management Act.

The Areas Containing Significant Values (ACSV), listed in Appendix 5, have been prepared by the Department of Conservation. It should be noted, however, that these lists are not exhaustive. The Department of Conservation has identified values for which there is documentary evidence of that value being of regional, national or international importance and it is appropriate within these areas to protect those values. However, there are other areas that are not ACSVs that contain values that have been documented as being of international, national or regional significance including sites listed in the geopreservation index appended to this plan. These values are of equal significance to those contained within ACSVs. It is important to appreciate that it is the values contained within an ACSV that are significant not simply the geographic extent of the area.

This Policy recognises Principles 1 and 2 of the New Zealand Coastal Policy Statement, which relate to appropriate use, and Principles 6 and 8, which relate to the protection of values.

Policy 4.1.2 - Protection of natural and physical resources

Recognise that the natural and physical resources of the coastal marine area can be protected by the application of policies in this document.

Explanation - Principle 3 of the New Zealand Coastal Policy Statement notes that the proportion of the coastal marine area under formal protection is very small, and as a consequence, management under the Resource Management Act is an important means by which the natural and physical resources of the coastal marine area can be protected. However, where a value requires protection, this can be achieved by a range of different means. Some of these can be undertaken within this Plan, but others, such as Maataitai proposals and marine reserves, are implemented outside this document.

Currently within the Southland region, there are 10 marine reserves in the following areas of Fiordland:

- Milford Sound (690 ha):
- Sutherland Sound (454 ha):
- Bligh Sound (411 ha):
- Charles Sound (464 ha):
- Two in the main arm of Doubtful Sound (93 ha and 613 ha):
- Gaer Arm (433 ha):
- Wet Jacket Arm (2,007 ha):
- Goose Arm and Facile Harbour, Dusky Sound (1,466 ha):
- Long Sound (3,672 ha).

A further marine reserve has also been declared in Paterson Inlet, Rakiura/Stewart Island area, namely Ulva Island—Te Wharawhara (1,075 ha). This marine reserve was *Gazetted* on 18 November 2004.

Eight of the Fiordland Marine Reserves were established as a result of the work of the Guardians of Fiordland's Fisheries and Marine Environment. This group comprises Ngāi Tahu, commercial and recreational fishing representatives, charter and tourism operators, and community interests, all of whom have a direct involvement in the Fiordland marine environment. The group has been supported by the Southland Regional Council, the Ministry for the Environment, the Department of Conservation, and the Ministry of Fisheries.¹

¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

There are no Taiapure or Maataitai areas in the region, however, if such an area is established in the future, the Council will require all activities that will potentially affect the Taiapure or Maataitai to have regard to it. Tangata whenua approval of the proposed marine reserve in Paterson Inlet is conditional on the balance of Paterson Inlet being managed as a Taiapure.

Policy 4.1.3 - Establishment of Marine Reserves in Fiordland

To support the establishment of marine reserves within the internal waters of Fiordland.

Explanation - The values that the internal waters of the Fiordland area possess are outstanding and in the Council's view worthy of marine reserve status. The Southland Regional Council is unable to make an application for a marine reserve under the Marine Reserves Act 1971. The Council will, however, support attempts to establish marine reserves in the internal waters of Fiordland.

Policy 4.1.4 - Management of Resource Management Act functions in marine reserves and in China Shops within the Fiordland (Te Moana o Atawhenua) Marine Area

Ensure that in considering applications, under the Resource Management Act 1991, for activities within marine reserves and within China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area, the activities are compatible with the values and purposes of these areas.

Explanation - The purposes and functions of Marine Reserves are established under the Marine Reserves Act 1971. The Resource Management Act 1991 controls activities in the coastal marine area including the erection and placement of structures, commercial surface water activities, and aircraft landings and take-offs, and applies to areas that have marine reserve status, as well as the China Shops identified in the Fiordland Marine Conservation Strategy.

The Fiordland Marine Conservation Strategy was produced by the Guardians of Fiordland's Fisheries and Marine Environment in June 2003, and describes China Shops as follows:

“China Shops are small discrete areas that are outstanding for the abundance and/or diversity of animal or mixed animal and plant communities or for the abundance of particular animal species. Communities associated with a wide variety of habitats in a confined area may also qualify. On the basis of local knowledge and the best available information, 23 areas were identified from Bligh Sound to Preservation Inlet. Collectively, these areas support a wide range of special features and values. Proposed management measures are based on particular values and whether these are under threat from existing or future activities.”

China Shops that are not within marine reserves are recognised in Appendix 3A, which identifies the general location of these China Shops, but not the specific location. Any person undertaking an activity within these areas can contact either the Southland Regional Council or the Fiordland Marine Guardians to determine whether or not their activity is likely to have an impact on the China Shop in the vicinity. Each China Shop has its own values and potential threats to these values will vary.

The purpose of the Marine Reserves Act 1971, as well as the threats to marine reserves will be taken into account when processing and considering whether or not to grant a coastal permit for an activity within a marine reserve. The values and potential threats to China Shops will be taken into account when processing and considering whether or not to grant a coastal permit for an activity within a China Shop.

Communication with the Fiordland Marine Guardians and the Department of Conservation will be essential in achieving this part of the policy.²

OUTCOME

The outcome expected from adopting the objectives and policies listed in Section 4.1 is:

4.1.1 Important values of the coastal marine area are protected from inappropriate use and development.

4.2 Functional Need

See also Section 4.7

In the past, some development within the coastal marine area, for example reclamation, has been undertaken either because the coastal marine area has provided a convenient location or because such development has been easier or cheaper to undertake than development on land. The land now forming Invercargill airport was reclaimed from the New River Estuary because it provided the most convenient way of obtaining a large area of level land. Some activities however, require a coastal location, for example, wharves and jetties associated with the loading and unloading of ships, existing bridges, and most forms of marine farming. Other activities do not necessarily need a location within the coastal marine area.

ISSUE

Issue 4.2.1 - The undertaking of activities and development within the coastal marine area that do not have a functional need for a location within that area can preclude appropriate activities and development from taking place.

OBJECTIVE

Objective 4.2.1 - Need for coastal location

To ensure that only those activities and developments that have a functional need to be located in the coastal marine area or for which there is no practicable alternative location outside the coastal marine area are situated there.

Explanation - The coastal marine area is public space and as such it should generally be available for use to all people. However, there are some activities and developments that require a coastal marine area location, and have an operational necessity for the exclusive or preferential occupation of space within that area. This objective seeks to ensure that unnecessary activities and development are excluded from the coastal marine area.

In the absence of a full understanding of coastal processes and the effects of activities and developments taking place in the coastal marine area, it would be over-restrictive to exclude use and development altogether. Rather, judgement is required as to whether it is appropriate to allow some activities and development within the coastal marine area. Monitoring may also be necessary to assess the actual effects that take place.

Objective 4.2.1
Policies 4.2.1, 4.2.2 and 4.2.3

Policies 4.2.1, 4.2.2, 4.2.3
and 9.2.1
Rule 9.2.1

² Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

POLICIES

Policy 4.2.1 - Justifying coastal location

Require that proposals for uses and developments in the coastal marine area justify the functional necessity for that location or demonstrate that there is no practicable alternative location outside the coastal marine area.

Explanation - (This is Policy 13.26 from the Regional Policy Statement). Principles 1 and 2 of the New Zealand Coastal Policy Statement stress that some activities require a coastal location and that the protection of values need not preclude appropriate use and development. Uses and developments locating in the coastal area could have the effect of precluding other activities from locating there. It is therefore important to consider what are the appropriate activities to locate there. In determining what is appropriate use and development, consideration is required as to those uses and developments which actually require a coastal location. In some instances it would be appropriate to utilise adjoining land areas, or areas in another location altogether.

Associated with establishing a functional necessity, it is appropriate that consideration also be given to alternatives that may exist or be available. In some instances, it may be a more efficient use of resources to use an alternative approach, thereby managing the remaining coastal resource in a sustainable manner. The use of an existing or proposed public facility or shared use of an existing or proposed private facility are alternatives to the establishment of another facility to serve the same purpose.

Minimising or reducing the number of structures in the coastal marine area will help prevent unnecessary alienation of the coastal marine area from use by the public.

This Policy will clarify what is an appropriate allocation of coastal space and which uses have priority in terms of Principle 4 of the New Zealand Coastal Policy Statement.

See also Section 9.1

Policy 4.2.2 - Consideration of alternatives

Where the adverse effects of use or development are more than minor, require alternative sites and methods be considered to determine the option that best avoids, remedies or mitigates the adverse effects of the use and development of the coastal marine area.

Explanation - Associated with establishing a functional necessity in terms of Policy 4.2.1, it is appropriate that consideration also be given to other alternatives that may exist or be available. In some instances, such alternatives may better achieve the purpose of the Act to use an alternative approach. Policy 4.1.6 of the New Zealand Coastal Policy Statement requires that applications for coastal permits for reclamations, the removal of sand, shingle, shell or other natural materials for commercial purposes and for the rights to occupy in the coastal marine area, shall have regard to available alternatives and provide the reasons for the proposed choice. For example, the use of an existing or proposed public facility or shared use of an existing or proposed private facility may be preferable to the establishment of another facility to serve the same purpose.

See also Sections 9, 10, 11 and 12

Policy 4.2.3 - Minimising size

Minimise the size of structures and development in the coastal marine area.

Explanation - Where it has been shown that there is a functional need for a structure or development to be located within the coastal marine area, and that other alternatives are not appropriate, then consideration is required as to the scale of the operation, to ensure that the minimum of area reasonably required is used. Setting aside too great an

area can adversely impact upon the use and enjoyment of the coastal marine area for other purposes. It is important to ensure that activities utilise space efficiently so that other activities are not unnecessarily constrained or prevented from occurring.

Minimising the size and scale of structures in the coastal marine area will help prevent unnecessary alienation of the coastal marine area from use by the public and will help to avoid cumulative effects on natural character, ecosystems, and amenity.

See also Sections 5.8, 9.1 and 11

OUTCOME

The outcome expected from adopting the objective and policies listed in Section 4.2 is:

4.2.1 Only those activities and developments that have a functional need for a location within the coastal marine area or for which there is no practicable alternative location are situated there.

4.3 Timing, Frequency, Duration and Regularity

See also Section 5.7

ISSUES

Objective 4.3.1
Policy 4.3.1

Issue 4.3.1 - The adverse effects of any activity may vary according to the time of day, month, or year that it occurs.

Objective 4.3.1
Policies 4.3.1 and 4.3.2

Issue 4.3.2 - The adverse effects of any activity may increase with the frequency, duration and regularity of an activity.

OBJECTIVE

Policies 4.3.1 and 4.3.2

Objective 4.3.1 - Temporal characteristics of activities

To ensure that the adverse effects of an activity attributable to its timing, frequency, duration and regularity of operation are avoided, remedied or mitigated.

Explanation - The key aspects relevant to the consideration of any activity are the timing, frequency, duration and regularity of the activity, and the activity's adverse effects on the surrounding environment due to its operation. Such an activity may affect amenity values of the area, including being a nuisance in terms of noise. The activity may also coincide with the breeding period of indigenous fauna.

POLICIES

Policy 4.3.1 - Timing of activities

Manage the times of day, month, or year of activities where this avoids, remedies or mitigates the adverse effects of those activities on the coastal environment.

Explanation - Managing the timing of activities can reduce nuisance/health impacts associated with the loss of peace and quiet, rest and sleep. Such nuisance effects can apply to fauna as well as people. The seasonal or periodic variation in such needs can be recognised in any management regime. The impact of activities on the coastal environment can vary depending on the time of day, month or year. For example, fauna may be more prone to disturbance during breeding resulting in poor breeding success.

Activities that create noise will have a greater impact if they occur at times of day that normally have a low ambient noise level. The adverse effects of some activities may vary according to the height of tides or brightness of the moon, both of which vary within a month. In areas where nocturnal species such as kiwi occur, particular regard needs to be had to the adverse effects the activities will have on those species. Activities that occur close to habitat used by migratory species need to take particular care when those species are present.

See also Section 5.4

Policy 4.3.2 - Frequency, duration and regularity of activities

Manage the frequency, duration and regularity of activities where this avoids, remedies or mitigates the adverse effects of those activities on the coastal environment.

Explanation - Certain adverse effects such as noise or visual intrusion may be tolerated if they occur infrequently and for a short time but those same effects become a source of annoyance if they persist or occur on a regular basis.

OUTCOME

The outcome expected from adopting the objective and policies listed in Section 4.3 is:

4.3.1 Adverse effects of an activity attributable to its timing, frequency, duration and regularity of operation are avoided, remedied or mitigated.

4.4 Multiple Use

See also Section 4.7

Legally the seabed, including the adjoining foreshore, is land that is owned by the Crown in the majority of cases. It is therefore a public resource, and is not owned by private individuals or companies, as is generally the case with areas above mean high water springs. No-one, therefore, has a pre-emptive right to solely or preferentially occupy the coastal area. Some activities and developments in the coastal marine area, however, have the effect of excluding the general public from part of the coast, for example reclamation, port activities and marine farming.

The sheltered waters of fiords, inlets, harbours and estuaries are important to many types of activities and are often the focus for development and occupation. Some activities and development within the coastal marine area require exclusive occupation for a variety of reasons, including safety, functionality and security. In other cases, however, exclusion of other activities is not necessary, either because activities can be undertaken compatibly at the same time, for example, different types of recreation and the normal passage of ships, or can be undertaken at different times. Where multiple uses can be accommodated, less of the coastal marine area is required to be developed.

This is to be encouraged.

ISSUES

Objective 4.4.1
Policies 4.4.1, 4.4.2, 9.1.1
and 9.1.8
Rules 9.1.1, 9.1.2 and 9.1.3

Issue 4.4.1 - People and communities have an expectation that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment. Any alienation of that right to the seabed, including the foreshore, can be to the detriment of the public.

See also Sections 5.5, 9.1, 14.1 and 14.2

Objective 4.4.1
Policies 4.4.2, 4.4.3, 9.1.2,
9.1.3, 9.1.4, 9.1.5, 9.1.6 and
9.1.8
Rules 9.1.1, 9.1.2 and 9.1.3

Issue 4.4.2 - Exclusive occupation of an area prevents or constrains other activities from taking place in the coastal marine area.

See also Section 9.1

OBJECTIVE

Policies 4.4.1, 4.4.2, 4.4.3,
9.1.2, 9.1.3, 9.1.4, 9.1.5, 9.1.6,
9.1.8 and 9.2.1
Rules 9.1.1, 9.1.2 and 9.2.1

Objective 4.4.1 - Need to justify exclusive or preferential occupation of coastal marine area

To ensure that any exclusive or preferential occupation of the coastal marine area is necessary and fully justified.

Explanation - The public have a right to use the coastal marine area, and that right should only be removed in circumstances where the need for exclusive or preferential (priority-based) occupation is fully justified. In light of this, any occupation that is sought of the coastal marine area must be viewed as a privilege, and not as a right, and it cannot be assumed that the public right to use any area will be restricted.

See also Section 9.1

POLICIES

Policies 9.1.4, 9.1.5, 9.1.6
and 9.1.7
Rules 9.1.1 and 9.1.2

Policy 4.4.1 - Need for exclusive occupation

Recognise that some activities will require exclusive occupation notwithstanding the fact that the public have a right to use the coastal marine area.

Explanation - In considering any activity, use or development in the coastal marine area that seeks exclusive or preferential occupation of the coastal marine area, it is first necessary to determine how actual or potential use of that public space will be affected. There are circumstances, however, identified through the policies and rules of this Plan, where it is appropriate to consider the alienation of that public right.

As noted in Principle 5 of the New Zealand Coastal Policy Statement, people and communities expect that lands of the Crown in the coastal marine area will generally be available for free public use and enjoyment. Exclusive and, to a lesser extent, preferential occupation of land within the coastal marine area is therefore a privilege, not a right.

See also Section 9.1

Policies 9.1.4, 9.1.5, 9.1.6
and 9.1.7
Rules 9.1.1 and 9.1.2

Policy 4.4.2 - Justify public access restrictions

Require activities that restrict the public use of the coastal marine area to justify the necessity for that restriction.

Explanation - “People and communities expect that the lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment” (Principle 5 of the New Zealand Coastal Policy Statement). Much of the coastal marine area is publicly owned land that is generally available on an equal opportunity basis for commercial, conservation, recreation or access purposes. The maintenance and enhancement of public access to the coastal marine area is a matter of national importance under the Resource Management Act 1991.

It is recognised however, that some activities may need to restrict or exclude public access for safety or security reasons, or to ensure the proper functioning of the activity. Because the right of access to public land in the coastal marine area is valued so highly, any alienation of that right must be fully justified.

See also Section 9

Policy 4.4.3 - Priority to compatible multiple use

Give priority to compatible multiple use rather than setting aside areas for specific purposes.

Explanation - Where activities compete for the same area, and are compatible, then provision for multiple use is appropriate. In some instances, however, separation is required. This may require exclusive use, or preferential use.

Multiple use of the coastal marine area enhances public enjoyment and opportunity as there are more people obtaining greater use and enjoyment from the same area.

This Policy embodies Principle 5 of the New Zealand Coastal Policy Statement 1994 and further defines the priorities referred to in Principle 4.

See also Section 17

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 4.4 are :

4.4.1 The public will only be excluded from parts of the coastal marine area owned by the Crown where this is justified for reasons of safety, security or ensuring the proper functioning of lawful activities.

4.4.2 Multiple use of the coastal marine area occurs wherever practicable.

4.5 Public Value

See also Section 4.7

As the coastal marine area is a public resource, it is appropriate to maintain the overall value of the coast to the public. In some instances, this will require setting aside areas for public use and enjoyment. The “public” includes future generations. Where areas are alienated from the public then consideration is required as to the means by which the overall value of the coast to the public can be maintained. Coastal occupation charges and financial contributions, as provided for by the Resource Management Act 1991, are means of maintaining that value to the public.

ISSUE

Objective 4.5.1
Policy 4.5.1

Issue 4.5.1 - The public value of the coast can be diminished by use and development.

OBJECTIVE

Policy 4.5.1

Objective 4.5.1 - Value of the coastal marine area to the public

To ensure that the value of the coastal marine area to the public is maintained or enhanced.

Explanation - The value of the coastal marine area to people results from a combination of many factors, including the use of the area, the facilities available, its natural character, landscape, significant habitats of indigenous fauna, kaimoana (food from the sea) and amenity. The combined value of these factors provides a measure of the quality of the environment. Where one aspect of the coastal marine area is downgraded or removed, the overall value can be kept constant by enhancing existing values or creating new values. The loss of one area to the public could, for instance, be offset by: making other land adjoining the coast available, upgrading facilities in other locations, or the payment of money to enable more land or better facilities to be created. Revenue to enhance or create values can be obtained through a coastal occupation charging regime. The use of financial contributions may also be considered. Revenue to enhance or create values can be obtained through a coastal occupation charging regime. The use of financial contributions may also be considered.

See also Section 9.1

The effects of human activities in the coastal marine area can be either positive or negative. Under Section 7(f) of the Resource Management Act 1991, particular regard shall be had to maintenance and enhancement of the quality of the environment. To maintain or enhance the quality of the environment, the net cumulative effects of activities should be neutral or positive.

POLICY

Policy 4.5.1 - Financial contributions to be obtained

Use the provisions of Section 108 of the Act to obtain “financial contributions”.

Explanation - Section 108 of the Resource Management Act states that a resource consent may include a condition requiring that a financial contribution be made by an applicant for purposes specified in regional plans. Financial contributions can take the form of land, or money, and they provide a means by which the overall value of the coast to the public can be retained.

Financial contributions are a secondary process. Generally, it is expected that the application of policies and rules in this plan will avoid, remedy or mitigate any adverse environmental effects. Where there are unavoidable adverse effects, and the positive effects are sufficient to justify a resource consent being granted, financial contributions can be used to offset the adverse effects on the wider community.

Policy 3.2.2 of the New Zealand Coastal Policy Statement suggests that adverse effects of subdivision, use or development should as far as practicable be avoided. Where complete avoidance is not practical, the adverse effects should be mitigated and provision made to remedy those adverse effects, to the extent practical. Policy 3.2.3 of the New Zealand Coastal Policy Statement states that where adverse effects are unavoidable, plans should recognise that Section 108 (of the Resource Management Act 1991) can be used to obtain environmental benefits that will (to a degree) offset

environmental damage. Providing public benefit is one form of compensation, but where that does not occur, a contribution in the form of land, works and services, or money may be appropriate.

See also Section 17

OUTCOME

The outcome expected from adopting the objective and policy listed in Section 4.5 is:

4.5.1 The value of the coastal marine area to the public is enhanced.

4.6 Concentration Versus Sprawl

See also Sections 4.7 and 9.1

Over time, unmanaged activities can spread throughout the coastal marine area. However, in some instances, it is more appropriate to concentrate activities to reduce the areas where adverse effects are occurring. The concentration of development into enclaves, or into areas and locations that have already been modified will help achieve the sustainable management of the remaining coastal marine areas.

ISSUE

Issue 4.6.1 - The spreading of activities through the coastal marine areas can compromise the natural character and other values over a wide area, especially in what are currently relatively undeveloped areas.

Objective 4.6.1
Policy 4.6.1

OBJECTIVE

Objective 4.6.1 - Concentrating use and development

Policy 4.6.1

To protect areas free from use and development by seeking, wherever practicable, to concentrate use and development into areas where those activities are already taking place.

Explanation - The protection of areas presently free of use and development can be enhanced by seeking to concentrate use and development into areas where there are already activities taking place. It is usually the first development in an area that has the most significant impact, therefore, rather than having new developments occurring over a wide area, it will generally be better to expand existing areas of use and development wherever this is practicable.

POLICY

Policy 4.6.1 - Concentrate compatible activities

Policies 4.2.2 and 9.1.2

Encourage concentration of compatible activities in areas of existing uses and developments, where adverse effects can be avoided, remedied or mitigated, in preference to using undeveloped areas in the coastal marine area.

Explanation - The need to intrude into new areas will need to be clearly established before taking place. The natural character of the coastal environment will be better protected if the areas where uses and developments are undertaken are kept to a minimum. Sprawl arises when concentration is not encouraged, resulting in reduced amenity and natural character. Location with compatible activities should be considered before alternative sites elsewhere in the coastal marine area. This policy and the objective it stems from seek to implement the provisions of Section 3.2 of the

New Zealand Coastal Policy Statement to maintain and enhance amenity values in the coastal marine area.

OUTCOMES

The outcomes expected from adopting the objective and policy listed in Section 4.6 are:

4.6.1 Activities are concentrated in areas where they are already taking place.

4.6.2 The extent of development in the coastal marine area is minimised.

4.7 Cumulative Effects

Activities and development undertaken in the coastal marine area can give rise to adverse effects in three ways:

- i directly;
- ii indirectly, by facilitating activities that then give rise to other adverse effects (e.g. a wharf may facilitate an activity which has more effects than the wharf); and
- iii cumulatively, in conjunction with other similar or different activities and developments in the area.

These adverse effects can occur over both short and long term timeframes.

Individual activities by themselves may have a minimal impact, but the combined influence of all activities in any given area may give rise to adverse effects. The ability of areas to absorb or assimilate use is limited, and at some point the intensity of use will give rise to unacceptable impacts. Cumulative adverse effects are difficult to anticipate at times and some form of monitoring will usually be required to ensure that where they do arise action is taken to remedy or mitigate them. Cumulative adverse effects are also easily overlooked as there is a tendency to think of the effects of an activity in isolation from other similar, different, or future activities.

ISSUE

Objectives 4.7.1 and 4.7.2
Policy 4.7.1

Issue 4.7.1 - Activities and development can give rise to cumulative adverse effects

OBJECTIVES

Policy 4.7.1

Objective 4.7.1 - Avoid, remedy or mitigate cumulative adverse effects

To avoid, remedy or mitigate cumulative adverse effects.

Explanation - To sustainably manage the coastal marine area, the cumulative adverse effects of activities need to be avoided, remedied, or mitigated.

Policy 4.7.1

Objective 4.7.2 - Obtain an appropriate level of use in the coastal marine area

To obtain a level of use which is appropriate in the coastal marine area, particularly in areas where remoteness, wilderness and tranquillity are significant components of the environment.

Explanation - Natural character and amenity values of remote coastal marine areas are easily adversely affected by the number and types of activities that may occur there. Each area has a level or “carrying capacity” where the number and type of activities and the number of people participating in those activities do not adversely affect the sustainability of the existing environmental values. Once an area reaches its carrying

capacity, the addition of any further activities, any increase in the extent of activities already present, or any increase in the number of people participating in those activities would result in a deterioration of existing environmental values. It is therefore important to strike an appropriate level of use for the area (which could include “no use”) so that the coastal values of all users are largely protected.

See also Sections 4.1 – 4.6, 4.8 – 4.9, 14 and 16

POLICY

Policy 4.7.1 - Avoid, remedy or mitigate adverse cumulative effects

To avoid, remedy or mitigate adverse cumulative effects of activities in the coastal marine area.

Explanation - At the time of considering development proposals for the coastal marine area, regard needs to be given to the adverse cumulative effects of activities. In order to determine adverse cumulative effects of activities over time, environmental base line studies and monitoring will be required. In some instances it may also be appropriate to monitor changes to people’s perceptions of an area over time.

The fourth schedule of the Resource Management Act requires an assessment of effects on the environment. Section 3 of the Resource Management Act includes cumulative effects as part of the meaning of “effect.” Policy 3.2.4 of the New Zealand Coastal Policy Statement also requires that provision should be made in this Plan to ensure that the cumulative effects of activities, collectively, in the coastal marine area are not adverse to a significant degree.

OUTCOMES

The outcomes expected from adopting the objectives and policy listed in Section 4.7 are:

- 4.7.1 Cumulative adverse effects are avoided, remedied or mitigated.**
- 4.7.2 A level of use which is appropriate in the coastal marine area has been achieved.**

4.8 Commercial/Non-Commercial Surface Water Activities in the Coastal Marine Area

See also Section 4.7

A number of commercial surface water activities are undertaken within the coastal marine area. These activities involve the use of any form of ship where it has been hired for financial return or there is a financial charge for the transport of any passenger or cargo carried on the ship, regardless of whether that charge is met by the passenger/owner or by some person on behalf of the passenger/owner. These activities do not include the normal activities of commercial fishing boats. A number of non-commercial surface water activities are also undertaken. These are in effect recreation activities undertaken by individuals and groups of people.

The potential pressure placed on coastal values by the effects of the frequency, volume, size of ship, and duration of activities in the coastal marine area will, in some instances, be better managed by distinguishing between commercial and non-commercial activities. Hence, the management of surface water activities that relate to some issues, will distinguish between commercial and non-commercial operations.

During the development of this Plan, the question arose as to whether activities of a commercial nature should be treated any differently because of their commercial component. Given that one of the main purposes of this Plan is to avoid or mitigate adverse effects on the coastal environment, the initial approach taken was not to

differentiate between activities because of their commercial orientation. This view did not have universal approval and some people, including commercial operators, have been quite strongly of the view that there are grounds for the opposite approach, principally on the basis of the potential pressure put on coastal values by the frequency and duration of use that can accompany commercial use of the coastal marine area. In other words, people are concerned about the cumulative adverse effects of what are essentially recreational activities along the coast. They see the most efficient and effective way of avoiding these is to specifically manage commercial operations, as that is where they see the main pressure coming from. In the past, the management of surface water activities, both coastal and freshwater, has, in many instances, treated commercial operations different to non-commercial.

ISSUE

Objective 4.8.1
Policy 4.8.1

Issue 4.8.1 - The adverse effects of the frequency, volume, size of ship and duration of surface water activities by commercial operations can, in some instances, greatly outweigh the adverse effects of non-commercial surface water activity, and vice-versa

See also Section 4.3

OBJECTIVE

Policy 4.8.1

Objective 4.8.1 - Distinguish between commercial and non-commercial surface water activities

To manage surface water activities in the coastal marine area by making a distinction between commercial and non-commercial activities where the cumulative effects of either type of activity will significantly outweigh the other.

Explanation - The purpose of this Objective is to ensure that the public and developers know that Council's management objective is to be pragmatic in its approach to surface water activities. The Objective also highlights Council's intent to treat commercial and non-commercial surface water activities differently where the cumulative effects of one activity will significantly outweigh the other. This is principally on the basis of the potential pressure put on the coastal values by the effects of frequency, volume, size of ship and duration of use that can accompany commercial use of the coastal marine area.

POLICY

Objectives 4.9.1, 4.9.2
and 4.9.3
Policies 4.9.1 and 4.9.2

Policy 4.8.1 - Commercial activities in the coastal marine area

To distinguish, where appropriate, commercial activities in the coastal marine area from non-commercial activities.

Explanation - In some areas commercial surface water activities have a potentially greater frequency, volume and duration of use which can affect the coastal marine area in a more pronounced manner than non-commercial surface water activities. Distinguishing between commercial and non-commercial activities is seen as the most pragmatic way of managing cumulative effects, such as the loss of intrinsic/remoteness values, of commercial surface water activities. That is not to say that the effects of like non-commercial activities will be ignored. They will also be addressed, but a different method may be more appropriate. General Principles 4 and 5 and Policies 3.1.1 and 3.2.4 of the New Zealand Coastal Policy Statement are relevant to this Policy.

OUTCOME

The outcome expected from adopting the objective and policy listed in Section 4.8 is:

- 4.8.1 The adverse effects of commercial and non-commercial surface water activities are managed.

4.9 Consultation and Information Sharing

See also Section 5.6

ISSUE

Issue 4.9.1 - Without consulting people who use the coastal marine area, especially those who live next to it, it is difficult to be certain of the effects of proposed activities

See also Section 20

Objectives 4.9.1, 4.9.2 and 4.9.3
Policies 4.9.1 and 4.9.2

OBJECTIVES

Objective 4.9.1 - Consultation with territorial authorities iwi and government agencies

Policies 4.9.1 and 4.9.2

To ensure that territorial authorities are consulted where resource consent applications are in areas of the coastal marine area that either adjoin or are within territorial authority boundaries, iwi or government agency boundaries.

Explanation - Consultation with territorial authorities, iwi or government agencies, who may be affected by an activity in the coastal marine area, needs to be undertaken to enable an informed decision to be made on the proposed activity. The elected representatives of territorial authorities are a valuable source of local knowledge and feelings. Government agencies, such as the Department of Conservation, administer large areas of land adjacent to the coastal marine area as well as marine reserves.

Objective 4.9.2 - Consultation with the community

Objective 5.6.2
Policy 4.9.1

To ensure that consultation takes place with affected adjacent landowners and the community in general.

Explanation - Consultation with affected adjacent landowners and the community in general allows for all interested parties and individuals to have input and provide local knowledge into the planning process for the management of the coastal marine area. Such consultation is particularly important in the coastal marine area because it is generally public space for which it is difficult to determine who the users are. It is also an area about which our knowledge is often incomplete. The experience of people with a long association with an area can significantly enhance that knowledge.

Objective 4.9.3 - Information Sharing

Policy 4.9.2

To ensure that adjacent territorial authorities are kept informed of any new information or developments regarding activities or processes that have cross boundary effects in the coastal environment.

Explanation - Efficient, effective and integrated management is enhanced by a co-operative approach to sustainable management. Sharing information is an element of a co-operative approach.

POLICIES

Policy 4.9.1 - Consultation with adjoining territorial authorities

Consult with adjoining territorial authorities, including Community Boards, in every case where consent is sought to undertake activities in the coastal marine area adjoining or within their boundaries.

Explanation - If cross boundary effects are to be identified and resolved, consultation will be required with adjoining local authorities. Such consultation will also enable the Regional Council to work in with territorial authorities and to ensure the integrated management of the coastal environment.

The boundaries of the Bluff and Otatara Community Boards within Invercargill City and the Riverton, Stewart Island, Tuatapere, Te Anau, Waihopai, Toetoes and Wallacetown Community Boards within the Southland District, adjoin or include part of the coastal marine area. Given that the Councillors of Community Boards and Territorial Authorities represent the community who use the coast, it is entirely appropriate that they be specifically consulted. However, it should not be forgotten that Regional Councillors also represent constituencies which cover the territorial authority areas and as such directly represent the interests of the same communities. There will also be situations where the territorial authority will be the applicant for a resource consent.

This Policy does not exclude any other bodies being consulted about a proposed activity.

Policy 4.9.2 - Sharing of information

Share information and knowledge gained about the coastal environment with adjoining territorial authorities iwi and government agencies, particularly where it relates to coastal processes and/or to activities with previously unknown or little known effects.

Explanation - To achieve sustainable management of the coastal marine area and the wider coastal environment, it is important that information and knowledge is shared between territorial and regional authorities so that informed decisions can be made. Territorial and regional authorities also consult with iwi and other agencies which increases the knowledge that is shared.

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 4.9 are:

- 4.9.1 Territorial authorities or government agencies are consulted over activities which adjoin or occur within their administrative boundaries.**
- 4.9.2 The wider community is consulted over coastal issues.**
- 4.9.3 Information and knowledge is shared between government agencies the regional council and territorial authorities.**

5 GENERAL MATTERS

5.1 Natural Character

Section 6(a) of the Resource Management Act states that:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.*

During the consultation period of this Plan, it became apparent that in order to facilitate the preservation of natural character, and the protection of the coastal environment from inappropriate subdivision, use and development, the “natural character” and its constituent elements of the Southland coast needed to be defined more clearly.

To this end, Alan Petrie, a landscape architect of the Department of Conservation, undertook a natural character and landscape study of the Southland coastal environment. For the purposes of the study the coast was subdivided into 31 distinct units.

Within each unit the key landscape elements, distinctive features and cultural elements were identified. For each unit, an assessment was made of its existing naturalness on a scale of 0 to 5. Potential activities that could adversely affect the natural character were also identified.

The study has been used to help identify the values that exist along the coastline. It is not meant to be an absolute or finite study. It was undertaken to provide base information and help define the factors that contribute to natural character and landscape quality in the Southland coastal environment. Reference is made to the study in those parts of the plan that describe the coastal values. The summary sheets for each coastal unit are contained in Appendix 4.

At the time of the study, the New Zealand Coastal Policy Statement had not been finalised. While Petrie's study focuses mainly on those elements of the environment immediately detectable by the senses, Policies 1.1.2, 1.1.3 and particularly 1.1.4 of the New Zealand Coastal Policy Statement suggest that there are other elements or processes which contribute to natural character. It is most probable the elements and processes described in these policies will rate highly in areas assessed as having a high degree of naturalness.

Petrie's study is seen as being consistent with the views of the Office of the Parliamentary Commissioner for the Environment. In a pamphlet summarising a report on the way that three district councils recognised and provided for the preservation of the natural character of the coastal environment, the Commissioner stated that:

“The new district plan is the key management tool for district councils to manage any adverse effects resulting from use or development of the coastal environment. It enables the community to have input into management proposals and provides greater certainty for protection of community values.

One of the fundamental issues that councils must address in their district plans is the description of “natural character” of the coastal environment. This will vary throughout a district, but it is essential that councils identify this as a benchmark in order to determine what areas can accommodate change and what areas cannot. It also forms the basis for determining what will be “inappropriate subdivision, use and development” for a particular coastal area.”(Parliamentary Commissioner for the Environment, 1996:6)

While the report is directed at district councils, the comments are equally applicable to regional councils.

Where the coastal environment has been modified components of the natural character may still be retained, but the character is unlikely to remain purely natural. Policies 1.1.2, 1.1.3, and Policy 1.1.4 of the New Zealand Coastal Policy Statement describe features and processes that need to be protected in order to preserve natural character.

Natural character generally arises from the presence of one or more of the following attributes:

- visual values, including light;
- qualities of expansiveness;
- an absence of unnatural noise;
- dynamics of air, water and sediment;
- significant areas of indigenous vegetation;
- significant habitats of indigenous fauna;
- natural landscapes, seascapes and landforms;
- natural physical processes;
- natural exposures of rock;
- characteristics of special spiritual, historical or cultural significance to Maori;
- significant places of historic and cultural interest;
- natural movement of biota;
- natural substrate composition;
- natural air and water quality;
- natural biodiversity, productivity and biotic patterns;
- intrinsic value of ecosystems;
- tranquillity.

These attributes enhance the use and enjoyment of the coastal marine area and are part of New Zealand's natural environment heritage. They also give rise to intangible values such as replenishment of the soul, or a source of inspiration. Each of the above attributes have values in their own right, quite apart from their contribution to natural character. As such, they are also addressed directly or indirectly by many provisions of this Plan other than those in this section.

ISSUES

Issue 5.1.1 - There are large areas of Southland within the coastal environment which are of outstanding natural character, the value of which could be diminished by inappropriate subdivision, use or development of the coastal marine area

See also Appendix 3 and Appendix 4

Objective 5.1.1
Policies 5.1.1 and 5.1.2

Issue 5.1.2 - In modified areas the residual natural character is important and needs to be protected from inappropriate use and development

See also Appendix 4

Objective 5.1.1
Policies 5.1.1 and 5.1.2

OBJECTIVE

Objective 5.1.1- Preserve natural character

To preserve the natural character of the coastal marine area.

Explanation - Much of the coastal waters of Stewart Island represent one of the largest areas of unmodified marine habitats in New Zealand. Those of Fiordland represent, to a large degree, a marine habitat that is unique to New Zealand and substantially unmodified. Given the natural state of the majority of the adjoining land, the natural character of these coastal environments is one which is valued very highly when measured by any parameter. They are, therefore, very worthy of preservation.

Outside of Fiordland and Stewart Island, the remaining coastal environment of the Southland region is one which has undergone varying degrees of change. Despite the change that has taken place, the quality of the coastal water remains very high, and as such the coastal marine area still has considerable ecological value. While not offering the quality of recreation opportunities found in Fiordland and Stewart Island, the remaining coastline offers a large range of experiences to the greater population of the region. The quality of these experiences can be affected by activities within the coastal environment, particularly immediately landward of the coastal marine area. Such activities can also reduce the habitat values of this environment to fauna which interact with the land and sea. Therefore, to maintain the value of the coastal environment for both people and other species, it is considered important to retain the natural character of the coastal marine area (this is Objective 13.1 from the Proposed Southland regional Policy Statement).

See also Section 20

POLICIES

Policy 5.1.1 - Adopt New Zealand Coastal Policy Statement policies

To adopt the policies contained in Chapter 1 of the New Zealand Coastal Policy Statement in so far as they apply to the coastal marine area.

Those policies are as follows:

- 1.1.1 *It is a national priority to preserve the natural character of the coastal environment by:*
- (a) *encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
 - (b) *taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
 - (c) *avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*
- 1.1.2 *It is a national priority for the preservation of the natural character of the coastal environment to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in that environment by:*
- (a) *avoiding any actual or potential adverse effects of activities on the following areas or habitats:*
 - (i) *areas and habitats important to the continued survival of any indigenous species; and*
 - (ii) *areas containing nationally vulnerable species or nationally outstanding examples of indigenous community types;*

- (b) *avoiding or remedying any actual or potential adverse effects of activities on the following areas:*
 - (i) *outstanding or rare indigenous community types within an ecological region or ecological district;*
 - (ii) *habitat important to regionally endangered or nationally rare species and ecological corridors connecting such areas; and*
 - (iii) *areas important to migratory species, and to vulnerable stages of common indigenous species, in particular wetlands and estuaries;*
- (c) *protecting ecosystems which are unique to the coastal environment and vulnerable to modification including estuaries, coastal wetlands, mangroves and dunes and their margins; and*
- (d) *recognising that any other areas of predominantly indigenous vegetation or habitats of significant indigenous fauna should be disturbed only to the extent reasonably necessary to carry out approved activities.*

1.1.3 *It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:*

- (a) *landscapes, seascapes and landforms, including:*
 - (i) *significant representative examples of each landform which provide the variety in each region;*
 - (ii) *visually or scientifically significant geological features; and*
 - (iii) *the collective characteristics which give the coastal environment its natural character including wild and scenic areas;*
- (b) *characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and*
- (c) *significant places or areas of historic or cultural significance.*

1.1.4 *It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:*

- (a) *the dynamic processes and features arising from the natural movement of sediments, water and air;*
- (b) *natural movement of biota;*
- (c) *natural substrate composition;*
- (d) *natural water and air quality;*
- (e) *natural biodiversity, productivity and biotic patterns; and*
- (f) *intrinsic values of ecosystems.*

1.1.5 *It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.*

Explanation - The policies contained in the New Zealand Coastal Policy Statement are considered to be of sufficient detail to provide certainty as to how natural character will be preserved. The application of these policies, in the coastal marine area, along with the values identified in the natural character and landscape study are considered to be sufficient to enable the objectives to be achieved.

Policy 5.1.2 - Protection from unnatural noise

Protect areas from noise intrusion where the absence of unnatural noise is a significant component of the natural character of the area.

Explanation - The tranquillity value of some coastal areas in calm conditions is rated very highly. Similarly in some areas, while conditions could not be described as tranquil, the lack of unnatural noise is a significant factor.

Outcome

The outcome expected from adopting the objectives and policies listed in Section 5.1 is:

- 5.1.1 The natural character of the coastal environment is preserved from inappropriate subdivision, use, and development.**

5.2 Natural Features and Landscapes

In achieving the purpose of the Act, it is recognised that “*the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*” (Section 6(b)), is a matter of national importance which needs to be provided for in this Plan. To be outstanding, a natural feature or a landscape must be “quite out of the ordinary on a national basis” (Environment Court Decision W20/92).

Some natural features and landscapes in the Southland region undoubtedly fall within this classification. These will be identified in a regional landscape assessment to be undertaken by 30 June 1997 and subsequently included in this plan. There are, however, many other natural features and landscapes that do not rate as out of the ordinary on a national basis, but are nevertheless important for their contribution to natural character.

Those parts of the coastal marine area within which little or no development has taken place retain high values for both natural features and landscapes. This is particularly the case for much of Fiordland and Stewart Island, but also applies to some other parts of the mainland outside of Fiordland.

Policy 1.1.3 of the New Zealand Coastal Policy Statement states that “*it is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:*

- (a) *landscapes, seascapes and landforms, including:*
 - (i) *significant representative examples of each landform which provide the variety in each region;*
 - (ii) *visually or scientifically significant geological features; and*
 - (iii) *the collective characteristics which give the coastal environment its natural character including wild and scenic areas;*
- (b) *characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and*
- (c) *significant places or areas of historic or cultural significance.”*

This policy is applicable to the protection of regionally and locally significant natural features and landscapes to which Section 6(b) of the Resource Management Act 1991 can not be applied.

ISSUES

Objective 5.2.1
Policies 5.2.1 and 5.2.2

Issue 5.2.1 - Many of the outstanding natural features and landscapes of the Region are vulnerable to the adverse effects of some activities

See also Sections 3, 20, Appendix 4 and Appendix 7

Objective 5.2.1
Policy 5.2.3

Issue 5.2.2 - Changes in landscape can affect the cultural relationship of Maori with ancestral lands, water, wahi tapu and wahi taoka

See also Section 5.6

Issue 5.2.3 - The protection of outstanding natural features and landscapes requires the co-operation of territorial authorities when the feature or landscape crosses into the wider coastal environment

See also Section 20

Objective 5.2.1
Policies 5.2.1, 5.2.2
and 5.2.3

OBJECTIVE

Objective 5.2.1 - Protecting outstanding natural features and landscapes

Policies 5.2.1, 5.2.2 and
5.2.3
Appendix 7

To protect outstanding natural features and landscapes in the region's coastal marine area from the adverse effects of use, development, and subdivision.

Explanation - A number of natural features and landscapes in the region, by themselves and in combination, are of an outstanding quality. These resources are of prime importance because they contribute to a considerable degree to the natural character and amenity of the region. They are prized by both residents of the region and visitors, and as such are worthy of protection. Many of these landscapes are on public land, but a number are not.

See also Sections 3, 4.9, 20, Appendix 4 and Appendix 5

POLICIES

Policy 5.2.1- Outstanding natural features and landscapes

Identify and protect outstanding natural features and landscapes within the coastal marine area.

Explanation - Protection of outstanding natural features and landscapes is a matter of national importance under Section 6 of the Resource Management Act and is required to be recognised and provided for by all persons exercising functions and powers under the Act.

A "Southland regional Landscape Assessment" was prepared by Boffa Miskell in August 1997 for the Southland Regional Council. This study sought to obtain a community view of the Southland landscape rather than impose the assessment of the professionals involved. As such, a wide consultative approach was adopted.

The specific recommendations of the report relating to the coastal environment were:

OUTSTANDING LANDSCAPES

The following two extensive landscapes are considered to be outstanding. Within them are numerous natural features that are themselves outstanding in different ways, but it is the quality of the total area that is exceptional.

Te Wahipounamu (South-West New Zealand) World Heritage Area – Fiordland

Fiordland National Park is a World Heritage Site of international significance and outstanding natural beauty. It is a wild, untamed, rugged, and largely pristine landscape. The entire area is outstanding for the drama of its landforms, the quality and abundance of water in its various forms, the richness and diversity of its vegetation and the almost complete absence of buildings and structures. Mitre Peak is an icon that typifies the majestic, unpolluted landscape on which New Zealand is marketed internationally. There are rare exceptions to this unmodified wilderness e.g. Milford and Doubtful Sounds, however, these are relatively restricted "nodes" of development that do not detract from the broader values.

Boundary The National Park, extending north to Awarua Point and to include the forest of Waitutu in the south. This includes some freehold land.

Possible Mechanisms The Southland Regional Council, through its policies and plans, can support and reinforce the existing protection provided by Crown ownership and Department of Conservation management. The Southland Regional Council through its policies and plans, in association with the District Council, can ensure that modifications within this landscape, or immediately adjacent to it, recognise the importance of this landscape in their siting, layout and design.

Rakiura (Stewart Island)

Stewart Island is a largely natural landscape with extraordinary landform and coastal diversity. The land/water interface is of particular importance due to the indented coastline and numerous islands, islets and rock stacks. The beauty of the bush/water connection, the clarity of the water, the abundance of wildlife, and the rich history of human endeavour all give Rakiura an exceptionally strong sense of place.

The island is a dominant focal point when viewed from many parts of southern Southland and Foveaux Strait.

Halfmoon Bay and Oban township are the only development nodes of any size. They have their own distinctive character and quality reflecting a relaxed lifestyle and close links with surrounding natural features. While it would not be appropriate to include these areas in an outstanding natural landscape, their exceptional characteristics and qualities and their relationship to the surrounding island are such that special attention should be given to their future development.

Boundary The entire island and its surrounding islets with the exception of the modified area of Oban and Halfmoon Bay.

Possible Mechanisms The Southland Regional Council, through its policies and plans, can support and reinforce the existing protection provided by Crown ownership and Department of Conservation management. The Southland Regional Council through its policies and plans, in association with the District Council, can ensure that modifications within this landscape, or immediately adjacent to it, recognise the importance of this landscape in their siting, layout and design.

ADDITIONAL OUTSTANDING LANDSCAPES

Other special areas with characteristics that may be considered outstanding include:

The Inland Mountains of the Takitimu, Livingstone, Eyre, Garvie and Umbrella Ranges and the entire Southland Coast

Within these broad areas many natural features and landscapes have outstanding characteristics but without the same uniform quality as Fiordland and Stewart Island. It is apparent that there is currently insufficient information to determine the extent of outstanding natural features and landscapes within them. While some argue that they are outstanding in their entirety, others have suggested that they are not unlike many other South Island mountain and coastal landscapes.

The Coast

The Southland coast is relatively unmodified and for much of its length retains its natural character. It is a diverse landscape, with bays, estuaries, headlands, beaches, etc reflecting the underlying geology and its exposure to coastal processes. This variety gives the individual areas a specific sense of place and also aids orientation from the land and sea. High ground acts as a beacon, and the vistas from these are particularly expansive. The quality of the light adds to the beauty of this coastal landscape. Many areas of the coast, and particularly the wetlands, are of exceptional scientific and

ecological importance. Connections between the natural character of coast and hinterland are significant for both aesthetic and ecological reasons.

Parts of the coast are outstanding for their natural character, and wild and rugged qualities. The entire coast is of ecological value and of historic and contemporary significance with their crib communities and unique social and aesthetic styles.

Within the coast there are a number of extensive areas of urban industrial development as well as holiday and fishing settlements.

Boundary Much of the length of the coast is still dominated by its natural qualities. Clearly, the highly modified urban and industrial locations would be excluded from any outstanding landscape. It is difficult to determine whether all or parts of the remainder meet the criteria of “outstanding”. A number of locations were specifically mentioned at public meetings and in assessment sheet returns e.g. the Catlins Coast, Toetoes Bay, Awarua Bay, Bluff-Omaui, Riverton, Colac Bay, Te Waewae Bay and the Fiordland coast. These cover the majority of the coast and it is recommended that, with the exception of the coastal settlements, the entire coast is recognised as being outstanding. The distance inland that is included within these outstanding coastal landscapes requires detailed investigation.

Possible Mechanisms Since the majority of the coast is included as outstanding, the Southland Regional Council should explore mechanisms that avoid unnecessary compulsion. Awareness and educational initiatives, voluntary agreements and, where necessary, compensation arrangements should be explored. These initiatives coupled with existing protection should ensure that landscape values are retained.

See also Appendix 4 and Appendix 7

Policy 5.2.2 - Geological Sites and Landforms

Protect the coherence and integrity of the geological sites and landforms listed below:

- G2 Alpine Fault (Haast-Milford), Lake McKerrow
- G3 Anchorage Cove Springs
- G4 Anita Bay bowenite
- G5 Anita Bay dunite mylonite
- G8 Bald Cone exfoliation dome, Stewart Island
- G8(a) Barracouta Point gabbro
- G12 Big Hellfire Beach sand pass
- G13 Birch’s Mill Pliocene shellbed
- G14 Blue Cliff Miocene fauna, near Port Craig
- G14(a) Bluff Hill tombolo
- G14(b) Bluff hornfels
- 16 Cape Providence graphtolite-rich Ordovician black shales
- G18 Chalky Island submarine canyon and fan deposits
- G24 Cow and Calf Point gabbro intrusion, Stewart Island
- G24(a) Curio Bay Jurassic fossil forest
- G26 Darran Complex, Milford Sound
- G28 Doubtful Sound gneisses
- G29 Dusky Sound zincian staurolite
- G31 Ernest tombolo, Stewart Island
- G35 Green Islets wavecut notches
- G37 Haldane estuary
- G38 Harrold Bay spheroidal weathering, Stewart Island
- G44 Howells Point pillow lavas
- G46 Kellard Point marble

- G49 Kisbee Bay Ordovician biostratigraphic section
- G52 Lake Hakapoua shore platform
- G62 Mason Bay sand passes and dunes, Stewart Island
- G62(a) Mokomoko Inlet Permian sedimentology
- G75 Oraka point intrusions
- G81 Pahia Point layered mafic rocks and shore platform potholes
- G83 Pembroke granulite
- G84 Port Craig Tertiary sequence
- G85 Port William dikes, Stewart Island
- G87 Preservation Inlet hornfels
- G92 Puysegur Point uplifted marine platforms
- G94 Ringaringa intrusives, Stewart Island
- G98 St Anne gneiss
- G99 Stewart Island hornblende hornfels
- G107 Toetoes Bay submarine lignite
- G113 Waikawa Estuary

NB: Map codes are after that used by the Southland District Plan
See also Appendix 4 and Appendix 7

Explanation - The above sites are identified as nationally or regionally important geological features. They are therefore worthy of protection from the adverse effects of activities that occur in the coastal marine area (the information is sourced from: Kenny, Jill A and Hayward, Bruce W, 1993, "Geological Society of New Zealand Miscellaneous Publication No. 78", Geological Society of New Zealand, Lower Hutt).

Policies 5.6.4 and
5.6.5

Policy 5.2.3 - Importance of landscape and natural features to the tangata whenua

Consult with the tangata whenua and take into account tangata whenua cultural, traditional and spiritual values in relation to issues affecting landscapes and natural features.

Explanation - Regard needs to be given to the values that tangata whenua place on landscapes and natural features when assessing potential impacts of development proposals. These values may come from traditional stories or history. There are some natural features, for example Monkey Island, that are of special significance to the tangata whenua. The significance of these places needs to be acknowledged (this Policy is adapted from Policy 9.3 of the Proposed Regional Policy Statement for Southland).

See also Section 5.6

Outcomes

The outcomes expected from adopting the objectives and policies listed in Section 5.2 are:

- 5.2.1 The outstanding natural features and landscapes in the region's coastal marine area are protected.**
- 5.2.2 Tangata whenua values placed on landscape and natural features are recognised and provided for.**

5.3 Amenity Values

Section 7(c) of the Resource Management Act 1991 states that there shall be particular regard to “the maintenance and enhancement of amenity values.”

Amenity values are defined in the Resource Management Act as “those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes”. These qualities and characteristics could include natural character, safety, values worthy of special protection, landscapes of importance, open space, values of adjoining areas, high water quality and people. Amenity values may be derived from natural attributes or those that have been modified.

Livestock within the coastal marine area can give rise to adverse effects on amenity values. These include:

- damage and destruction of existing vegetation (Section 5.4);
- disturbance of foreshore (Section 10);
- discharges (Section 7.3);
- a perceived threat to the health and safety of members of the public wishing to use the coastal marine area

The Regional Council is responsible for managing the effects of noise generated in the coastal marine area. Noise generated on land above mean high water springs falls outside the Regional Coastal Plan, and is an issue for territorial authorities to manage. Despite this, noise recognises no boundaries. Thus, noise generated within the coastal marine area can affect activities on land, and similarly, noise generated on land can affect activities in the coastal marine area. It is therefore a cross boundary issue.

Noise is generated by both artificial and natural sources. Artificial sources may include noise from commercial and recreational means of transportation, recreational activities, port areas, marine farms, and construction activities. Natural levels of noise vary, depending a great deal on the orientation of the coast to the prevailing weather systems.

While an open coast exposed to prevailing westerlies can be a very noisy place, it is generally only artificial noise that has the potential to adversely affect people's health, well-being and amenity values.

Although the Resource Management Act allows the Council to set noise limits for the coastal marine area, other legislation can over-ride those limits. For example, under the Health Act, a health protection officer can order an activity to cease if the officer considers that the noise generated by that activity is a nuisance, although the noise is within the limits set by the Regional Coastal Plan.

ISSUES

Issue 5.3.1 - Amenity values are adversely affected by inappropriate use and development of the coastal marine area

Objective 5.3.1
Policies 5.3.1, 5.3.6 and 5.3.11

Issue 5.3.2 - Amenity values can be adversely affected by waste and rubbish within the coastal marine area (for example, rubbish from picnics, rotting boats, car bodies, plastics from boats and/or shore-based sources)

Objectives 5.3.1 and 5.3.6
Policies 5.3.1, 5.3.3, 5.3.5
and 5.3.12

Objectives 5.3.1, 5.3.5, 5.3.6 and 5.3.7
Policies 5.3.1, 5.3.3, 5.3.4, 5.3.6, 5.3.11, 5.3.12, 5.3.15 and 5.3.16
Rules 5.3.1, 5.3.2, 5.3.3, 5.3.5, 5.3.6, 5.3.7 and 5.3.8

Issue 5.3.3 - The amenity values of the coastal marine area can be adversely affected by activities that threaten public safety or create nuisance effects such as dust, noise, light spill, glare, vibration, smoke, odour or electrical interference

Objectives 5.3.2 and 5.3.3
Policies 5.3.2, 5.3.6 and 5.3.7

Issue 5.3.4 - The loss of amenity values that has resulted from some past uses of the coastal marine area could, in some situations, be remedied

Objectives 5.3.1 and 5.3.5
Policies 5.3.6 and 5.3.10
Rules 5.3.1 and 5.3.2

Issue 5.3.5 - Views to and from the coastal marine area may be lost as a result of the erection or placement of structures

Objectives 5.3.1 and 5.3.3
Policies 5.3.1, 5.3.2 and 5.3.6

Issue 5.3.6 - The high amenity value of the coastal marine area of Southland is largely due to the low levels of human impact, an increase in which could reduce amenity values.

Signs

Objective 5.3.4
Policies 5.3.6, 5.3.8 and 11.2.15

Issue 5.3.7 - Signs are necessary in the coastal marine area to publicise matters relevant to activities in the coastal marine area. These could relate to boat safety, mooring procedures, rules, location of activities, location of marine reserves and fisheries regulations

See also Sections 9, 11 and 14

Objective 5.3.5
Policies 5.3.1, 5.3.5, 5.3.6, 5.3.8, 5.3.9, 5.3.10 and 5.3.21
Rules 5.3.1 and 5.3.2

Issue 5.3.8 - Signage can diminish the natural character and visual amenity of an area

See also Section 5.1

Livestock

Objectives 5.3.1 and 5.3.6
Policies 5.3.1, 5.3.6, 5.3.11 and 5.3.12
Rule 5.3.3

Issue 5.3.9 - Livestock in the coastal marine area can damage habitats, discharge contaminants, damage banks and be intimidating to people

See also Sections 5.4, 5.5 and 7.3

Safety

Objective 5.3.6
Policies 5.3.6 and 5.3.12

Issue 5.3.10 - Some activities are a potential danger to other people using of the coastal marine area (for example, jet skis, vehicles on the foreshore, and low level powerlines)

See also Sections 11 and 14.2

Noise

Issue 5.3.11 - Noise generated within the coastal marine area may have adverse effects within the coastal marine area and on activities that take place on land above mean high water springs. The same is also true of noise generated from activities on land

See also Sections 14.2 and 20

Issue 5.3.12 - The effects of noise are dependent upon such matters as the type of noise (e.g. broadband, steady, time varying, noise), its pitch and loudness, the duration of the noise, the time at which the noise occurs (e.g. time of day, week, month, year), the frequency at which the noise occurs (e.g. once or twice a year, every day) and the extent of intrusion upon the sound environment

See also Section 4.3

Issue 5.3.13 - Small craft within the coastal marine area can generate significant amounts of noise. Most of the time the noise generated is not considered a nuisance, but at other times it is

See also Section 14.2

Issue 5.3.14 - A certain amount of noise is expected from port areas. However, noise from port activities can affect people's enjoyment of the coastal marine area, or the health of people in residential areas. It can also adversely affect the amenity of the area

See also Sections 4.2 and 11

Issue 5.3.15 - Construction noise can affect people's enjoyment of the coastal marine area, especially in unmodified areas. It can also adversely impact on the amenity of the area

Issue 5.3.16 - Noise from aircraft taking off and landing in the coastal marine area may have adverse effects within the coastal marine area and on activities that take place on land above mean high water springs. The same is also true for aircraft taking off and landing on land above mean high water springs

See also Section 20

Objective 5.3.7
Policies 5.3.1, 5.3.13, 5.3.17, 5.3.18, 5.3.19 and 5.3.20
Rules 5.3.4, 5.3.5, 5.3.6, 5.3.7 and 5.3.8

Objective 5.3.7
Policies 5.3.1, 5.3.6, 5.3.16 and 5.3.18
Rule 5.3.6

Objective 5.3.7
Policies 5.3.1, 5.3.15, 5.3.16 and 5.3.19
Rule 5.3.5

Objective 5.3.7
Policies 5.3.1, 5.3.15, 5.3.16 and 5.3.19
Rule 5.3.5

Objective 5.3.7
Policies 5.3.1, 5.3.15 and 5.3.17
Rules 5.3.4 and 5.3.8

Objective 5.3.7
Policies 5.3.1, 5.3.15, 5.3.17,
5.3.18, 5.3.19 and 5.3.20
Rules 5.3.4, 5.3.5, 5.3.6, 5.3.7
and 5.3.8

Issue 5.3.17 - Different sources of noise close to each other within the coastal marine area may intensify or increase the adverse effect on the environment

See also Sections 4.3, 4.8 and 20

OBJECTIVES

Policies 5.3.1, 5.3.3, 5.3.5,
5.3.6, 5.3.11, 5.3.12, 5.3.15
and 5.3.16
Rules 5.3.1, 5.3.2, 5.3.3, 5.3.5,
5.3.6, 5.3.8, 10.2.1 and 12.2.4

Objective 5.3.1 - Protection of amenity values

To ensure that the use and development of the resources of the coastal marine area will not have significant adverse effects on amenity values, nor on the safety of the public, nor on the enjoyment of the coast by the public.

Explanation - This Objective is derived from Policy 3.1.1 of the New Zealand Coastal Policy Statement. Open space and safety attribute to amenity values which need to be protected from inappropriate use, development and subdivision so that the public's enjoyment of the coastal environment and its amenity is not significantly adversely affected.

See also Sections 10.2 and 12.2

Policy 5.3.7

Objective 5.3.2¹ - Enhancement of amenity values

Where practicable, to enhance the amenity values of areas where those values have been reduced by past activities.

Explanation – In areas where amenity values have been degraded in the coastal marine area, it may be practicable to enhance the amenity values, and wherever practicable those values should be enhanced. Previous developments and activities have not always taken amenity values into account. Amenity values are part of the resource and need to be considered in any resource consent application. In areas where amenity values have been degraded by past activities, new activities that replace the former activities can have an overall positive effect by improving amenity values.

Policies 5.3.2 and 5.3.6
Rules 5.3.1 and 5.3.2

Objective 5.3.3 - Open space

To recognise, maintain and enhance the contribution that open space makes to the amenity values in the coastal environment.

Explanation - Policy 3.1.3 of the New Zealand Coastal Policy Statement states that plans should recognise the contribution open space makes to the amenity values found in the coastal environment and seek to maintain and enhance this.

Signs

Policies 5.3.8, 5.3.9, 5.3.10
and 5.3.15
Rule 5.3.1

Objective 5.3.4 - Provide for essential signs

To provide for the erection of signs in the coastal marine area that have a functional need to locate there.

Explanation - Signs are often the most effective method of providing the public with information regarding the legal status of an area, restrictions on activities within an area or public safety issues.

¹ Changed by Environment Court consent order – Judge Jackson – 17 August 2004

Objective 5.3.5 - Visual impact of signs

Policies 5.3.4, 5.3.9 and 5.3.10
Rules 5.3.1 and 5.3.2

To minimise the visual impact of signs in the coastal marine area.

Explanation - Signs can be obtrusive on the visual amenity and natural character of an area in a number of ways. The size, colour and design, including the materials used, of a sign affects the extent that the sign contrasts with the environment it is placed in. The number of signs in an area also contributes to their visual impact. On the other hand, the design and appearance of signs within the coastal marine area needs to be such that the signs can be easily read and understood.

Safety

Objective 5.3.6 - Safe environment

To maintain a safe environment for all people using of the coastal marine area.

Explanation - The coastal marine area is used by a wide range of users for various activities. It is important to ensure that the use of an area by one activity does not unnecessarily adversely affect the safety of other users of the area. Safety is an element that contributes to the amenity of an area, particularly its “pleasantness”.

See also Sections 10.2 and 12.2

Noise

Objective 5.3.7 - Noise levels

Policies 5.3.1, 5.3.6, 5.3.13, 5.3.15, 5.3.16, 5.3.17, 5.3.18, 5.3.19 and 5.3.20
Rules 5.3.4, 5.3.5, 5.3.6, 5.3.7 and 5.3.8

To ensure that the effects of noise in the coastal marine area do not adversely affect people's health and well-being, natural character and amenity values.

Explanation - Most activities that occur in the coastal marine area generate noise. Some activities are more intrusive than others and the noise they generate is more acceptable in some areas than it is in others. To recognise this and manage the effects of noise, this Plan will specify noise standards.

The standards will enable activities to occur, while protecting amenity values and the health and well-being of people.

Noise is a cross boundary issue and as such it is desirable that the standards that apply in the coastal marine area are compatible with those applying on adjoining land.

See also Section 16.3

POLICIES

Policy 5.3.1² - Amenity values

Protect amenity values of the coastal marine area.

Explanation – Activities that impact on amenity values can have significant adverse effects on the public’s enjoyment of the coastal environment. However, each activity will be assessed on its merits with regard had to the level of protection required to safeguard the values that area present. In some places, the environment may be highly modified and an activity may have very little impact on the values that exist. Where an activity occurs in an unmodified environment or a location that is considered to have high amenity values, but does not detract from the values that exist, it may also be compatible. However, where amenity values are high and an activity detracts from the values that exist, there will be less acceptance of change.

See also Sections 4.2, 4.4, 5.1, 5.2, 11, Appendix 4 and Appendix 5

² Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Policy 5.3.2 - Open space values

Maintain and enhance open space values of the coastal marine area.

Explanation - This Policy is derived from Policy 3.1.3 of the New Zealand Coastal Policy Statement. It is directed towards the open space values of sites and of areas, as well as the quality of views of, or from, the coastal marine area. Coherent panoramas of open space are important amenity features, particularly in areas such as Fiordland and estuarine areas. Furthermore, open space values generally, are an important element in the natural character and amenity of the coastal marine area and the wider coastal environment. Open space also attributes to the public's enjoyment of the coastal marine area.

See also Section 5.2

Rules 10.2.1 and 12.2.4

Policy 5.3.3 - Deposition of solid waste

Avoid the deposition of solid waste in the coastal marine area.

Explanation - Solid waste degrades the amenity values of areas, particularly those where amenity values are high. In addition to visual clutter, solid waste can have impacts on the health and safety of fish, birds, mammals, animals and people. Habitat can also be adversely affected. Solid waste in the coastal environment also detracts from the public enjoyment of the coast. For the purpose of this policy, cleanfill associated with authorised reclamations is not solid waste.

See also Section 10.2 and 12.2

Rules 11.2.1 and 11.2.2

Policy 5.3.4 - Lighting

Ensure that all lighting associated with any structure and any area of occupation associated with the structure will be shielded or directed away from:

- a adjacent activities;**
 - b streets; and**
 - c navigation channels;**
- to avoid the spill of light or glare that is:**
- i detrimental to the amenity of residential or other users;**
 - ii a hazard to traffic on streets outside of the coastal marine area; and**
 - iii a hazard to navigation within the coastal marine area;**

unless the purpose of the light is to illuminate or mark a street or navigation channel.

Explanation - To prevent the reduction of amenity values and to avoid the creation of hazards, the impact of lighting beyond its target area needs to be considered. The timing and frequency of the adverse effects of lighting will vary depending on the number of hours of poor light or darkness and the time of year. Light spill can be avoided by several means including shielding, directing and using luminaries of appropriate wattage and focal characteristics.

See also Sections 11 and 20

Rules 12.2.4 and 12.2.5

Policy 5.3.5 - Use of natural finishing materials

Prefer the use of natural finishing materials over unnatural materials for reclamations, breakwaters and other coastal protection works.

Explanation - There will be a need to apply this policy more rigorously in natural and relatively unmodified areas (i.e. rock rather than concrete in erosion works and reclamations). Building rubble as a finishing material is unsuited in natural areas. In order to maintain the natural character and amenity of the coastal marine area, coastal protection works need to blend in with its surroundings. Where practicable, natural materials and finishings will be preferred. In some circumstances, non-natural materials

will need to be used, for example, where part of reclamations and other structures associated with port activities.

See also Section 12.2

Policy 5.3.6 - Activities and structures

Rules 5.3.1, 5.3.2, 5.3.3, 5.3.4 and 5.3.8

Limit activities and structures in the coastal marine area to those that:

- a have a functional need for that location; or**
- b contribute to the amenities of that area;**
- c are a necessary and functional part of activities also undertaken on adjoining land.**

Explanation - The coastal marine area is public space and only those activities that meet the above criteria shall be able to locate there after obtaining a resource consent where necessary. Activities with a functional need to locate in the coastal marine area include commercial activities that rely on the resources contained therein. Enhancing the amenity of an area can provide the public with more opportunities to enjoy the coastal environment. Such enhancement can include improvements to public safety. Some activities on land, such as roads and rail, contain bridges and other structures that pass across the coastal marine area. In such situations, it is appropriate for the activity or structure to be located in the coastal marine area.

See also Section 4.2

Policy 5.3.7 - Enhancement of the amenity values

Where practicable, enhance the amenity of the coastal marine area as opportunities arise.

Explanation - Where activities or developments are being undertaken in the coastal marine area and resource consents are applied for, there is an opportunity to consider enhancing the amenities of the area. In areas where the amenity has been reduced in the past, any action that is intended to be taken to improve or enhance amenity values, will be viewed as a positive effect.

Where amenity values have been adversely affected in the past, consideration can be given to action that could be taken, particularly by the body or person responsible for the reduction of that amenity, to enhance the amenity.

See also Section 20

Signs

Policy 5.3.8 - Necessity for Signs

Rules 5.3.1 and 5.3.2

Restrict signs within the coastal marine area to those which are:

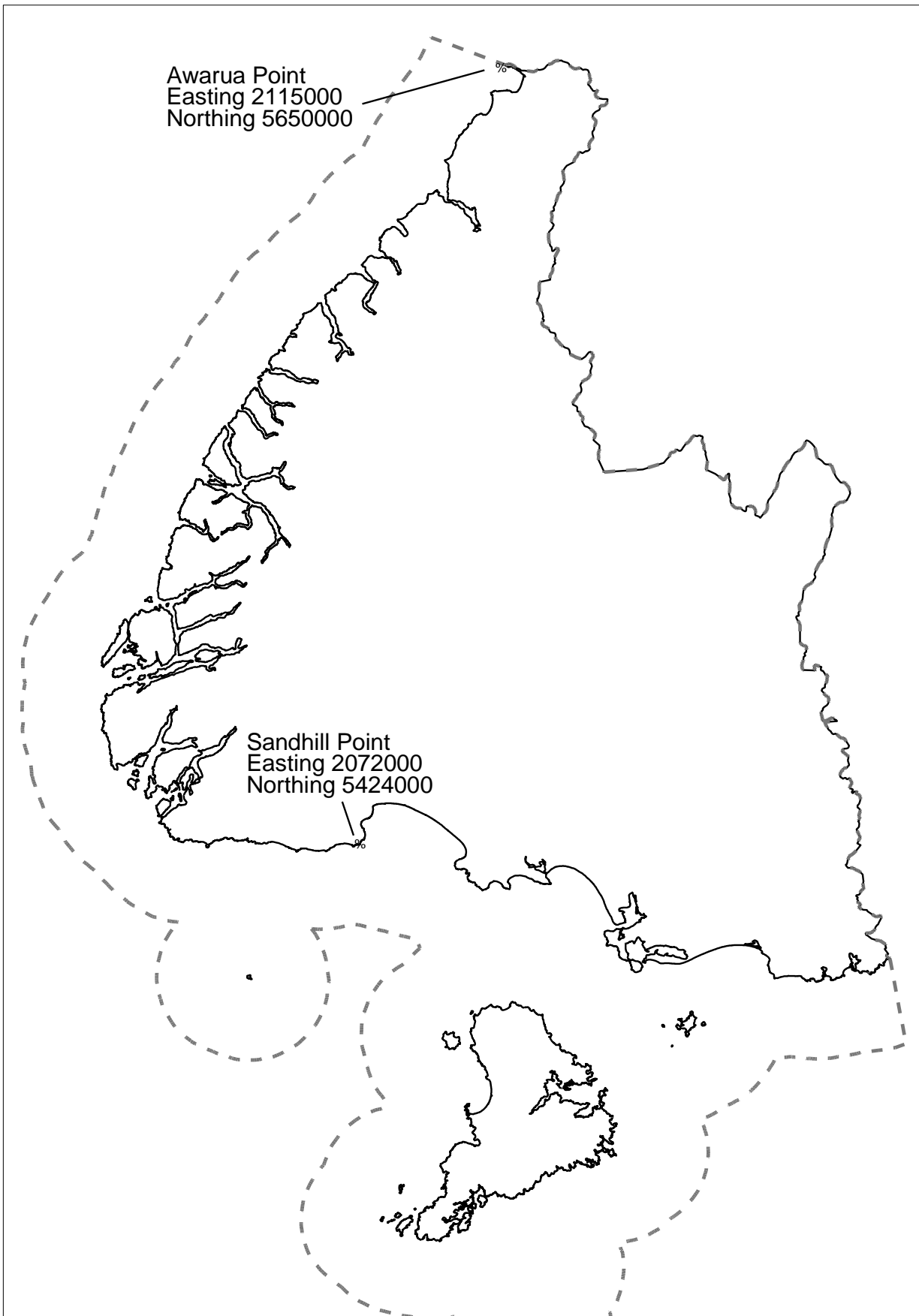
- a necessary for public safety, the protection of public health, the identification of protected areas and compliance with regulations or other controls that may apply; or**
- b an incidental part or associated with an authorised activity being undertaken on a structure, where such signs do not adversely affect the amenity of the area.**

Explanation - Most signs advising users of the coastal marine area of boat safety, mooring procedures, rules, location of activities, location of marine reserves and fisheries regulations will be located on land outside of the coastal marine area. Signs are less likely to be erected within the coastal marine area as they will be at risk from waves, wind, etc, but there will be occasions where such signs are required.

Policy 5.3.9 - Visual effects from signs

Avoid, remedy or mitigate the adverse visual effects of signs erected in the coastal marine area.

Explanation - Where signs are necessary and accepted, the design of any sign should minimise any visual intrusion. Design relates to matters such as appearance, shape, size, form and colour. Any signs erected to provide essential public information, for example navigational warnings, will need to be in a location and with sufficient visibility so that they are able to be read.



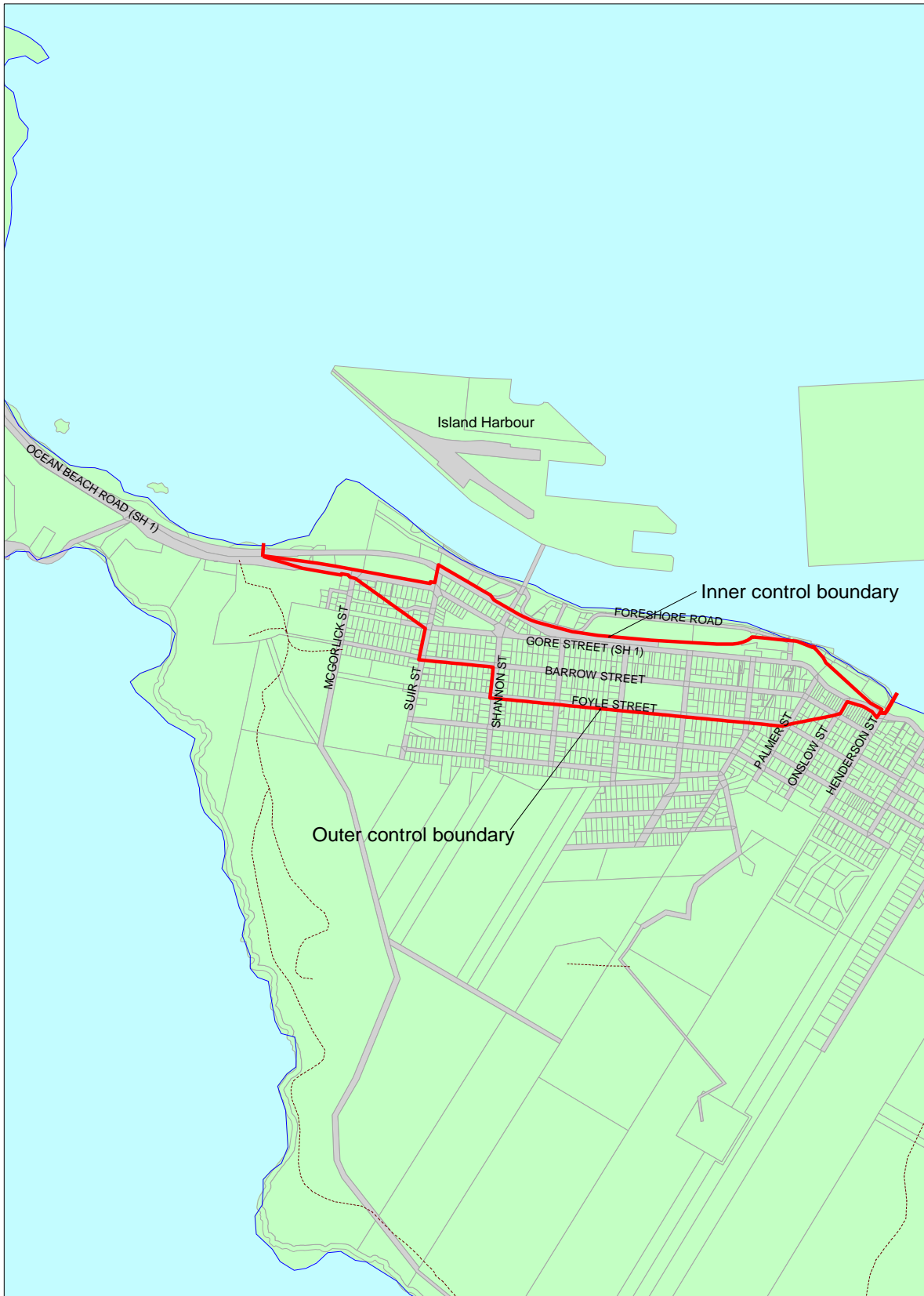
Produced by the Environment Southland GIS, September 2000
 Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED
 Road centreline data obtained from the LINZ DCDB. CROWN COPYRIGHT RESERVED
 Faultline data obtained from the Institute of Geological and Nuclear Sciences. Approved for internal reproduction by Environment Southland.





Fig 5.3 Northern & Southern limits for Fiordland

Environment Southland Coastal Plan

1 : 1,500,000



	<p>Produced by the Environment Southland GIS, September 2000 Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED Road centreline data obtained from the LINZ DCD. CROWN COPYRIGHT RESERVED Facility data obtained from the Institute of Geological and Nuclear Sciences. Approved for internal reproduction by Environment Southland.</p>		<p>Fig 5.3.1 Noise control boundary Environment Southland Coastal Plan</p>	<p>1 : 20,000</p>
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Policy 5.3.10 - Location of Signs

Rules 5.3.1 and 5.3.2

Erect signs on existing structures rather than in water, wherever practicable.

Explanation - The erection of signs on existing structures, such as wharves, reduces the number of structures in the coastal marine area. This concentrates the visual impact in defined areas and reduces the overall adverse effects of additional structures.

See also Section 11

Livestock

Policy 5.3.11 - Grazing, supplementary feeding and keeping of livestock

Rule 5.3.3

Avoid the grazing, supplementary feeding and keeping of livestock in the coastal marine area.

Explanation - It is inappropriate to keep cattle and sheep and other such livestock in the coastal marine area. When livestock are kept in the coastal marine area, adverse effects result from supplementary feeding, grazing, and from the long term presence of these animals in a sensitive and easily erodible environment. Their presence can effectively restrict the access of the public onto publicly owned land, give rise to bank instability, damage to whitebait spawning areas and adverse affects on water quality, particularly within estuarine and other tidal areas.

Safety

Policy 5.3.12 - Safety of the public

Rule 5.3.3

Ensure that activities that take place in the coastal marine area do not endanger public safety.

Explanation - Vehicles, motor bikes, jet skis, other motorised craft, windsurfers and surfers can cause a danger to other users of the coastal marine area. Similarly, structures, pipelines, powerlines etc. can create hazards. The likelihood of danger arising is greater where there are different uses competing for the same space. In large areas with a low volume of activity this is not generally a problem. In smaller or popular areas, where activities are concentrated, there is sometimes a need to separate or prohibit some activities or restrict the manner in which they are undertaken. Policy 3.1.1 of the New Zealand Coastal Policy Statement states that the “use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.”

The use of firearms in the coastal marine area is controlled by Section 48 of the Arms Act 1983. The use of firearms in the coastal marine area can endanger the safety of the public and cause a perceived threat to the public safety. This includes people using any beach for sighting a firearm and for target practice which the New Zealand Police are totally opposed to.

See also Section 5.5

Noise

Rule 5.3.4

Policy 5.3.13 - Noise performance standards

The Southland Regional Council will advocate compatible noise standards with the region's territorial authorities.

Explanation - As activities within the coastal marine area may adversely affect activities landward of the coastal marine area (and vice versa), there is a need to ensure that rules relating to noise and methods of controlling noise in their respective environments are compatible. This does not necessarily mean that the noise limits in the coastal marine area will be the same as those on land, as in some instances members of the public may expect a part of the coastal marine area adjacent to an urban area to have a lower noise level than that for the urban area.

Policy 5.3.14 - Transfer the enforcement of noise limits

Transfer, where agreement is achieved, powers to monitor and enforce noise limits in the coastal marine area to adjacent territorial authorities.

Explanation - The management of noise in the coastal marine area is a new responsibility for regional councils. Conversely, territorial authorities have been managing the effects of noise on land for a considerable amount of time. It is in the interests of efficiency, consistency, effectiveness and integrated management for regional councils to be pragmatic and utilise the resources, skills and experience of territorial authority noise management staff where both authorities are agreeable. Where the Regional Council transfers powers to monitor and enforce noise limits in the coastal marine area to a territorial authority, it continues to remain responsible for the function.

Rules 5.3.4, 5.3.5, 5.3.6,
5.3.7 and 5.3.8

Policy 5.3.15¹³ - Amenity values

Protect amenity values of the coastal environment from the adverse effects of artificial noise in the coastal marine area.

Explanation - The background sound level in many parts of the region's coastal marine area predominantly comprises noise generated by natural sources (e.g. the surf breaking on the shore, and the sea lapping against rocks). To many people, absence of unnatural sounds (e.g. planes, trains and automobiles) contributes to the amenity of areas.

However, each activity will be assessed on its merits with particular regard had to the level of protection required to safeguard the values that are present. In a few parts of the coastal marine area such as the Bluff Port Zone, where artificial noise can predominate throughout the day and at night, this policy will only have limited application.

Rules 5.3.5, 5.3.6, 5.3.7
and 5.3.8

Policy 5.3.16 - Health and well-being of people

Protect the health and well-being of the public from the adverse effects of noise in the coastal marine area.

Explanation - Noise can adversely impact on the health and well-being of people. It is therefore important that people are protected from those impacts.

¹³ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Policy 5.3.17 - Noise from airports next to the coastal marine area

Rule 5.3.8

Consult with statutory authorities, particularly territorial authorities, when noise controls for airports adjacent to the coastal marine area are being developed.

Explanation - Noise from airports adjacent to the coastal marine area can have a significant adverse affect on people's health and well-being and amenity values. As the activity takes place outside the coastal marine area, this Plan cannot manage the effects of airport noise. However, consulting with the appropriate territorial authorities and other relevant statutory agencies when they are developing noise levels for airports adjacent to the coastal marine area, will enable the effects of those airports on the coastal marine area to be considered.

See also Section 20

Policy 5.3.18¹⁴ - Noise from ships in motion

Rules 5.3.5, 5.3.6 and 5.3.8

Avoid noise from ships in motion that adversely affects the health and well-being of people or degrades amenity values.

Explanation - The majority of ship activities that take place in areas of the coastal marine area are near urban settlement. The community will usually tolerate noise from these areas provided it is not intrusive in terms of its sound level and duration, the time of day and its perceived loudness and annoyance.

However, in areas where the major component of the background noise is from natural sources, the community may not tolerate the noise generated by some types of ships. In these instances, it may be appropriate to manage certain activities.

See also Section 20

Policy 5.3.19 - Noise from port activities

Rule 5.3.5

Provide for the operational requirements of port activities where the noise generated by the port does not adversely affect the health and well-being of people or have a significant adverse effect on amenity values.

Explanation - In most circumstances, the noise generated by port activities does not cause an adverse effect. As such, this Plan will provide for these activities.

However, the noise generated by port activities can be intrusive in terms of its duration, the time of day and its perceived loudness and annoyance. In such cases, it may be appropriate to place some restrictions on the noise that port activities can generate in order to minimise any adverse effects.

See also Section 20

Policy 5.3.20 - Manage construction noises in the coastal marine area

Manage construction noise in the coastal marine area.

Explanation - Even though levels of construction noise can be greater than levels of noise normally found in urban areas, the community will usually tolerate the noise if it is temporary or for a short duration and provided that reasonable efforts have been made to minimise its adverse effects. Such methods may include the use of warnings, barriers, baffles, mufflers, reflectors, or restricting the time of operation. Construction noise can be managed by imposing conditions on resource consents that incorporate the provisions of relevant New Zealand Standards, such as NZS6803P:1984.

¹⁴ Changed by Consent Order, Judge Jackson – 17 August 2004

Advertising

Policy 5.3.21 - Advertising

Discourage commercial advertising, including company or operator names, from structures in the coastal marine area of Fiordland.

Explanation - An apparent lack of commercialisation contributes to the naturalness of an area, even though many of the activities have a commercial basis. Implementation of this policy will result in all commercial and non-commercial activities of similar scale being largely indistinguishable, even if some ships using the structures are painted in company logos. The extent to which this type of advertising occurs on ships will be limited to a large extent by operators not wishing to be insensitive to the experience their customer's desire.

RULES

Signs

Rule 5.3.1 - Information signs

It is a permitted activity to erect or place a sign, where the purpose of a sign is to publicise:

- 1 rules in this Plan;
 - 2 fisheries regulations;
 - 3 bylaws or regulations made under any Act;
 - 4 the location of marine reserves;
 - 5 water safety;
 - 6 dangers to public health.
 - 7 safety to persons using equipment and all structures within the coastal marine area
 - 8 a requirement of the Resource Management Act
- provided that
- i the sign is no larger than 2.0 square metres, and
 - ii the sign does not modify any natural landscape feature referred to in Policy 5.2.2 or the sign is not located within an area of historic or spiritual significance as referred to in Appendix 8.

Explanation - Signs are necessary to inform the public of where rules, regulations and bylaws apply as well as to identify protected areas and to provide information important for public safety. The size restriction aims to convey all necessary information while minimising the adverse effects on the area's natural character.

Rule 5.3.2 Other signs

Except as provided for in Rule 5.3.1, the placement of signs is a discretionary activity.

Explanation - Signs should be kept to a minimum in the coastal marine area. Except for the situations identified in Rule 5.3.1, it is usually unnecessary to place signs in the coastal marine area. Any signs that are necessary should have a minimal impact on the area's natural character and visual qualities. Regard will need to be given to their appearance, shape, size, location, form and colour to avoid adverse environmental effects.

Livestock

Rule 5.3.3¹⁵ - Livestock on Crown Land in the coastal marine area

Grazing, supplementary feeding or keeping of livestock on Crown land in the coastal marine area, is a prohibited activity.

Explanation - Crown land, in the coastal marine area, is not the appropriate place to keep livestock as this activity could alienate the public from using the area concerned, cause damage to vegetation and accelerate erosion. The coastal marine area should be kept available for use by all the public. The health and safety of the public must be considered as well as the adverse effects that livestock may have on the coast itself.

This rule does not apply to the beach training of horses in the coastal marine area, as the horses are not being grazed, supplementary fed or kept in the coastal marine area for purposes other than exercise.

Noise

Rule 5.3.4¹⁶ - General noise limits

Excluding Rule 5.3.8, unless subject to other rules in this Plan, it is a permitted activity for any activity within the coastal marine area to generate noise provided that the following noise limits are not exceeded, at any point at the landward boundary of the coastal marine area:

- i between 7:00 a.m. and 10:00 p.m. the L10 shall not exceed 50 dBA;
- ii between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 40 dBA;
- iii between 10:00 p.m. and 7:00 a.m. the following day, the L_{max} noise level shall not exceed 70 dBA.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

This Rule shall not apply to:

- i the activities specified in Rules 5.3.5, 5.3.6, 5.3.7, 5.11.1, 9.1.3 and 16.3.4;
- ii noise generated by safety signals or warning devices reasonably required to ensure safety provided that the best practical option for limiting noise emission is applied; and,
- iii noise generated by an emergency work arising from the need to protect personal safety, or to prevent loss or serious damage to property or the environment.

Explanation - Noise levels can adversely affect other users of the coastal marine area. By setting noise limits consistent with the guidelines for protection of the public health and amenity contained in NZS 6802:1991, the rule provides certainty to the extent that noise can occur. More stringent limits are required at night due to lower background sound level and the need to prevent sleep disturbance.

¹⁵ Withdrawn by Minister of Conservation RMA 1084/00 - 2001

¹⁶ Reference to Environment Court by Fiordland Travel 1071/00 – 1058/00 Changed by Environment Court Consent Order – Judge Jackson, 27 June 2003

Rule 5.3.5¹⁷ - Bluff Port Zone Noise limits

Notwithstanding any rule in this Plan to the contrary, it is a permitted activity, for noise to be generated by activities undertaken as part of the operation, functioning and maintenance of the port, within the Bluff Port Zone, including the navigation and manoeuvring of ships, subject to the conditions that:

- i **Long-term Noise Limit**
The night-weighted sound exposure level from any such activities shall not exceed:
 - a an average sound level of 65 dBA L_{dn} beyond the Inner Boundary shown on Figure 5.3.1 calculated over five consecutive days;
 - b an average sound level of 68 dBA L_{dn} beyond the Inner Control Boundary shown on Figure 5.3.1 calculated over any continuous 24 hour period.

- ii **Short-term Noise Limits**
Sound from any such activities shall not exceed 60 dBA L_{eq} (9 hr) at any point beyond the Inner Control Boundary between 10:00 p.m. to 7:00 a.m. the following day provided that:
 - a no single 15 minute sound measurement shall exceed 65 dBA L_{eq} ;
 - b no single sound measurement shall exceed 85 dBA L_{max} .

- iii **For the purpose of this rule:**
 - a sound shall be measured using a representative 15 minute L_{eq} value when calculating the L_{dn} or 9 hour L_{eq} values;
 - b sound shall be measured and assessed in accordance with the provisions of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning).

Explanation - The noise limits for the Bluff Port Zone are higher than for other areas in the coastal marine area, as it is expected that the Zone would be busier and noisier than elsewhere in the coastal environment. However, the noise levels still need to be more stringent at night than during the day so that local residents are not adversely affected by loud noise throughout the night.

Rule 5.3.6¹⁸ - Noise limits for ships in motion

Except as provided for in Rule 5.3.5, it is a permitted activity for ships in motion to emit noise provided that such noise does not exceed a sound exposure level of 90 dB(A) in any single drive by at any position beyond a line situated 25 metres back from the line of travel.

Sound levels shall be measured in accordance with the provisions of NZS 6801:1991 “Measurement of Sound”.

Explanation - Ships, including recreation craft, will give rise to some noise as they move through the water. The rule sets out a standard to which such vessels can comply with in order to protect the amenity of the coastal marine area and beyond. The limit specified does not manage the cumulative effects of a number of ships. Where cumulative effects are a potential problem area rules can be considered, such as on the Lower Oreti. Where an area has special amenity, such as Hall Arm, more stringent rules will also apply, but to all activities, not just ships in motion.

¹⁷ Changed by Environment Court Consent Order – Judge Jackson, 13 May 2004

¹⁸ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

Rule 5.3.7¹⁹ - Noise limits for ships using Areas A B C & D on the lower Oreti River

It is a permitted activity in Areas A, B, C & D on the lower Oreti River (as shown in Figure 14.2.3) for ships in motion to generate noise provided that the following limits are not exceeded:

L _{max} - 7:00 a.m. to 9:00 p.m.	95 dBA
L _{max} - 9:00 p.m. to 7:00 a.m. the following day	78 dBA

Sound levels shall be measured:

- i in accordance with the provisions of NZS 6801: 1991 “Measurement of Sound”; and
- ii where the registering microphone is placed at a distance of 25 metres or more from the line of travel of the craft and the boat must pass the microphone at top speed in two directions.

Explanation – The use of power boats and personal water craft is a popular recreational activity on the Lower Oreti River and it is appropriate to provide for it subject to certain conditions. Both motor boat and jet boat organisations have developed noise rules and methods for measuring noise that must be complied with.

Rule 5.3.8²⁰ - Other noise limits

Except as provided for in Rules 5.3.4 - 5.3.7, 5.11.1 and 16.3.4, the generation of noise in the coastal marine area is a discretionary activity.

Neither this Rule, nor the noise limits elsewhere in the Plan shall apply to:

- i noise generated by safety signals or warning devices reasonably required to ensure safety provided that the best practical option for limiting noise emission is applied; and
- ii noise generated by an emergency work arising from the need to protect life or limb, or to prevent loss or serious damage to property or the environment; and
- iii noise generated by aircraft landing and taking off between 7:00 am and 10:00 pm on any day; and
- iv noise generated by fishing ships, cruise ships and ships over 1,000 gross registered tonnes.

Explanation - This Rule recognises that sometimes activities that generate noise in excess of the limits in the Plan may be acceptable. With other activities, it may be inappropriate as it causes significant adverse affects on amenity values, and the health and well-being of people.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 5.3 are:

- 5.3.1 There are no significant adverse effects on amenity values, nor public safety, or public enjoyment of the coast from the use and development of the coastal marine area’s resources.
- 5.3.2 Amenity values will be enhanced in areas where they have been degraded.
- 5.3.3 The contribution that open space makes to the amenity values in the coastal environment will be recognised, maintained and enhanced.

¹⁹ Changed by Consent Memorandum - 2001

²⁰ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

- 5.3.4 The visual impact of signs in the coastal marine area is minimised.
- 5.3.5 A safe environment is maintained for all users of the coastal marine area.
- 5.3.6 People's health and well-being are not adversely affected by noise in the coastal marine area.

5.4 Vegetation and Fauna

See also Section 3

5.4.1 Ecosystems

See also Section 18

Ecosystems comprise plant, animal and microbial communities together with the physical environment and climate regime with which they interact. Conservation of species can only be achieved by conserving the ecosystems that support them. Organisms have preferred habitats that are defined by physical, chemical and other biological features. Variation in one or more of these can lead to stress on individuals and possibly a reduction in the total number of species or organisms that are present. In extreme situations of environmental change, certain species will be unable to tolerate the changes in their environment and will disappear completely from the area concerned, either as a result of death, migration or lack of breeding success.

The aim of protecting ecosystems, habitats and communities can be seen as a way of maintaining ecological integrity and biodiversity. This involves sustaining the productivity, stability and resilience of the system and its ability to maintain evolutionary potential in the long term. When the ecological integrity of a natural system is reduced, the capacity of that system to survive change is also reduced.

The Resource Management Act recognises the importance of ecosystems and habitats. Section 6(c) identifies “*the protection of areas of significant indigenous vegetation and Significant habitats of indigenous fauna*” as one of five matters of national importance that shall be recognised and provided for in achieving the purpose of the Act.

Section 7(d) identifies “intrinsic values of ecosystems” as one of eight matters that all persons exercising functions and powers under the Act, shall have particular regard to, in achieving the purpose of the Act. At the time of preparing this Plan, information is lacking as to the precise location of the areas of significant indigenous vegetation and significant habitats of indigenous fauna, although particular sites are known and areas generally identified (refer to Appendix 5). During the life of this Plan, the Council proposes to carry out investigations to identify such areas and to have further regard to their protection.

ISSUES

Objective 5.3.1.1
Policies 5.4.1.1, 5.4.1.3 and
5.4.1.4

Issue 5.4.1.1 - The potential loss of areas of significant indigenous vegetation and significant habitats of indigenous fauna is a concern

Objective 5.4.1.2
Policies 5.4.1.1, 5.4.1.2 and
5.4.1.3

Issue 5.4.1.2 - The intrinsic values of ecosystems can be adversely affected by external activities both directly and through changes to air, water and substrate

See also Section 5.6

OBJECTIVES

Objective 5.4.1.1 - Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

Policies 5.4.1.1, 5.4.1.2, 5.4.1.3, 5.4.1.4 and 11.2.1
Rule 11.2.6

To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area.

Explanation - This objective is in fulfilment of Sections 5 including 5(2)(b), 6(c) and 7(d) of the Resource Management Act and embodies elements of Policy 1.1.2 and Principles 6 and 11 of the New Zealand Coastal Policy Statement. What is of significance could be related to:

- uniqueness;
- quality;
- quantity;
- diversity;
- physical characteristics which afford an opportunity;
- distinctiveness;
- natural character;
- cultural and social values;
- the life supporting capacity of ecosystems.

Areas could be of significance locally, regionally or nationally. Cumulatively, areas of local significance may be of regional or national importance.

Objective 5.4.1.2 - Protect intrinsic values of ecosystems

Policies 5.4.1.1, 5.4.1.2 and 5.4.1.4

To protect the intrinsic values of ecosystems in the coastal marine area.

Explanation - It is desirable to protect ecosystems from the adverse effects of introduced living organisms, plants, and contaminants whether organic or inorganic, and from unnecessary disturbance. Ecosystems should not be unnecessarily modified. Protecting the intrinsic value of ecosystems also helps to maintain natural biodiversity.

See also Section 5.6

POLICIES

Policy 5.4.1.1 - Disturbance of areas of significant indigenous vegetation and significant habitats of indigenous fauna

Avoid significant adverse effects of disturbance to areas of significant indigenous vegetation or significant habitats of indigenous fauna.

Explanation - Disturbance of areas of significant indigenous vegetation or significant habitats of indigenous fauna may be necessary under certain circumstances such as during construction. Such disturbance should be restricted to that which is unavoidable. Normal construction techniques used on land may not be suitable in the coastal marine area if disturbance is to be avoided. Disturbance of these areas can reduce the life-supporting capacity of ecosystems both directly through physical damage done to the vegetation or fauna and secondly through indirect effects arising from siltation and deposition or other disturbance of habitat.

Policy 5.4.1.2 - Protection of habitats of important species

Protect the habitats of species in the coastal marine area which are important for commercial, recreational, traditional or cultural purposes.

Explanation - Without appropriate habitat, no species is able to sustain its normal population or vigour. Habitats of species in the coastal marine area which are important for commercial, recreational, traditional or cultural purposes need to be managed to provide for the community's social and cultural well-being. In doing so, biodiversity will also be maintained or enhanced. New Zealand Coastal Policy Statement Policy 3.2.8 is relevant to this policy.

Policy 5.4.1.3 - Preserving habitats of distinctive communities

To preserve the habitat of distinctive communities.

Explanation - Distinctive habitats are worthy of preservation, either because they are ecosystems of significance in their own right, or because of their interaction with other species. Examples include the habitats of black coral including the unique rock wall communities of Fiordland, brachiopods, beds of edible shellfish, seaweed and algal beds such as meadows of red seaweed and eel grass beds.

This policy is directed towards the habitat of these particular species of vegetation and fauna, not the preservation of the species themselves. Neither this policy, nor any other provision in this Plan, applies to the control of the harvesting or enhancement of populations of aquatic organisms. Those are matters controlled under the Fisheries Act 1996.

Policy 5.4.1.4 - Promoting understanding of ecosystem interactions

Promote an understanding of the interactions between the various parts of ecosystems to ensure the life-supporting capacity of ecosystems is safeguarded.

Explanation - Ecosystems in the coastal marine area are complex. The substrate, water and air and their interactions coupled with colonisation success determines what organisms are present. Each organism has a niche and a role. Changes to water quality, deposition rate of materials and disturbance can affect organisms in different ways.

OUTCOMES

The outcomes expected from adopting the objectives, policies listed in Section 5.4 are:

- 5.4.1.1 Areas of significant indigenous vegetation and habitats of significant indigenous fauna within the coastal marine area are protected.
- 5.4.1.2 The intrinsic values of ecosystems in the coastal marine area are protected.
- 5.4.1.3 The life-supporting capacity of ecosystems is safeguarded.

5.4.2 Planting and Introduction of exotic vegetation in the Coastal Marine Area

Plants that are native to New Zealand are referred to as indigenous plants. These include plants ranging from phytoplankton to bull kelp. The Resource Management Act 1991 makes specific reference to indigenous vegetation and fauna in Section 6. For example, in Southland, there are a number of indigenous seaweed communities of regional and national importance. Some are food for commercial species such as paua and kina. On Stewart Island, their diversity (75% of New Zealand total species) makes the communities of national importance. A number of the other ecosystems are regionally, nationally and internationally important, for example, the rock wall communities of the fiord ecosystem. The introduction of exotic vegetation, such as *Undaria*, could irreversibly change the structure of these communities and result in the loss of biological diversity.

Exotic vegetation commonly refers to species that are not native to New Zealand. A distinction also needs to be made between native species that naturally occur in an area and native species from outside that area. Genetically, native species from one part of the country are often different from the same species found in another part of the country.

The introduction of exotic plant species to the coastal marine area is usually associated, with small scale reclamations (for example *Spartina*) to act as a buffer against wave action on erosion prone areas of the coast. It should be noted, however, that *Spartina* has spread from intended areas of planting within the Southland region to other harbours and estuaries to the extent that it is now considered a pest and requires eradication. The experience with *Spartina* acts as a warning to the introduction of other plant species without adequate investigation of their long term implications. Exotic vegetation can also be introduced through ballast water discharges, as attachments to hulls that come loose and through the use of inappropriate techniques to clean hulls. These are all activities where national regulations and local education will be more effective in securing the integrity of ecosystems within the region than the use of rules in this Plan.

The introduction of plant species into the coastal marine area can give rise to the following adverse effects:

- reduction in water quality;
- loss of foreshore;
- loss of habitat of indigenous fauna;
- competition for indigenous vegetation;
- loss of amenity values;
- genetic pollution;
- financial costs resulting from control activities;
- change in ecosystem function; loss of the life-supporting capacity of ecosystems.

For these reasons it is necessary that the introduction or potential for introduction of new plant species to an area be assessed against stringent criteria.

ISSUES

Objectives 5.4.2.1 and 5.4.2.2
Policies 5.4.2.1 and 5.4.2.3
Rule 5.4.2.3

Issue 5.4.2.1 - Exotic plants, and native plants not of local genetic stock, planted in the coastal marine area or accidentally introduced in ballast water or as attachments to equipment or boats or with spat imported from areas where these plants are present can impact adversely on the ecological balance and impact on natural character, biodiversity and coastal processes of the area

See also Sections 5.1 and 12

Objective 5.4.2.1
Policies 5.4.2.1 and 5.4.2.4
Rules 5.4.2.1, 5.4.2.5, 5.4.2.6
and 5.4.2.7

Issue 5.4.2.2 - Exotic vegetation can be detrimental to the natural character and biodiversity values of the coastal marine area

See also Sections 5.1 and 12

Policies 5.4.2.1 and 5.4.2.2
Rules 5.4.2.1, 5.4.2.5 and
5.4.2.6

Issue 5.4.2.3 - Ballast water and ships' hulls provides a mechanism for the transport of phytoplankton and other viable forms of plant life from other parts of the world to the coastal waters of Southland. These organisms have the potential to adversely affect existing biotic assemblages

See also Section 7.3

Objectives 5.4.2.1 and 5.4.2.3
Policies 5.4.2.1 and 5.4.2.5

Issue 5.4.2.4 - Any plant introduced to Southland waters can spread to other places and adversely affect the life supporting capacity of ecosystems of regional, national and international importance

See also Sections 5.1, 5.4.1 and 5.4.3

OBJECTIVES

Policies 5.4.2.1, 5.4.2.3 and
5.4.2.4
Rules 5.4.2.1, 5.4.2.5 and
5.4.2.6

Objective 5.4.2.1 - Introduction of Plant Species

To avoid the introduction of plant species, including phytoplankton, into the coastal marine area in circumstances that could result in adverse environmental effects.

Explanation - Before deliberately introducing any plant species to parts of the coastal marine area, an assessment of their potential adverse effects needs to be undertaken to ensure that such introduction will not be to the detriment of the existing environment. It is very difficult to eradicate unwanted plants from the coastal marine area once they have been introduced and established.

The transport of plant species, including phytoplankton, in ballast water, or as hull attachments, is a matter of international concern given the potential consequences for the ecology of the coastal marine area. This issue is being addressed at an international and national level.

Objective 5.4.2.2 - Control of pest plants

Policies 5.1.1, 5.2.1, 5.2.3, 5.4.2.5, 7.3.5.4 and 7.3.5.5
Rules 5.4.2.6, 5.4.2.7, 7.3.5.1 and 7.3.5.2

To eradicate, confine, or reduce the spread of pest plants in the coastal marine area.

Explanation - Pest plants are identified in the Regional Pest Management Strategy for Southland. Those that are of relevance to the coastal marine area are listed in Rule 5.4.2.6. These plants need to be removed or destroyed where practicable, to avoid or reduce adverse effects on indigenous ecosystems and human values.

POLICIES

Policy 5.4.2.1 - Introduction of new plant species

Rules 5.4.2.1, 5.4.2.3 and 5.4.2.5

Prevent the introduction of any new plant species where information relating to that species indicates that its introduction is likely to adversely affect indigenous vegetation or indigenous fauna, alter coastal processes or natural character.

Explanation - Introductions of new plant species may lead to profound ecological changes. They could affect the region's vegetation and fauna and may become a major threat to the physical and biological processes in coastal ecosystems. An example of possible adverse effects on physical processes would be the introduction of a new species of marine grass in shallow areas. If this grass grows thickly and covers large areas, it could increase sedimentation rates and in turn affect existing biota that have adapted to lower levels of sediment. The introduction of a new plant species can cause biological changes, particularly if the new species is an aggressive coloniser that out-competes existing indigenous species resulting in their local extinction or displaces marine vegetation that is of importance as a nursery area for juvenile marine species.

More aggressive colonising species may out-compete indigenous species and cause changes that have major effects on the functioning of the ecosystem. This can also have adverse economic effects on industries dependent on the coastal marine area. Recreation activities can also be affected. A local example of an introduced species is the algae at Deep Cove, *Rhodoglossum lanceolatum* commonly known as Wanganella weed. It is believed that this algae was introduced by the "Wanganella," a vessel used as a floating hostel at Deep Cove, during the construction of the Manapouri Hydro-Electric Scheme.

Where there is insufficient information to determine whether a new plant species will not give rise to adverse effects on indigenous vegetation or indigenous fauna, it is appropriate to adopt a precautionary approach and either make a decision on the basis of available information where that is prudent or await the collection of further information.

Policy 5.4.2.2 - Protect significant species

Rules 5.4.2.6 and 5.4.2.7

Protect the health, diversity, vitality, bulk and coherence of significant species of indigenous vegetation.

Explanation - Some species of vegetation are particularly important for providing habitat to fauna species, their role in coastal processes or for their scientific interest. These species need to be protected. Such vegetation includes kelp, seaweed beds, eelgrass and salt marsh.

Policy 5.4.2.3 - Preference for indigenous species when planting

Prefer the use of indigenous species of local genetic stock where planting is needed in the coastal marine area.

Explanation - When restoration plantings are carried out, preference is given to the use of indigenous species, with a further preference for the use of local genetic stock (Policy 3.2.10 of the New Zealand Coastal Policy Statement 1994). This helps to protect areas of significant indigenous vegetation and significant habitats of fauna, as well as maintaining and enhancing the natural character, intrinsic values and biodiversity of ecosystems. Local genetic material is more likely to be adapted to local environmental conditions and have a greater survival rate.

Rules 5.4.2.1, 5.4.2.5 and 5.4.2.6

Policy 5.4.2.4 - Planting of exotic plant species

Only allow the planting of any exotic plant species where that plant is established in the area, is compatible with the coastal marine area and its wider environment and will not have adverse effects.

Explanation - This Policy is developed after consideration of Schedule 1.8 of the New Zealand Coastal Policy Statement 1994. This Policy applies to the planting of seaweed. It is important that plants do not become pests, and therefore, the Council will need to be satisfied that problems will not arise. Any applicant will need to demonstrate that it is possible to ensure that the plants remain confined to the area for which any consent is granted, and that there will be no spread of the plant to other areas, accidental or otherwise. Impacts upon other exotic species also requires assessment.

See also Section 20

Rules 5.4.2.7, 7.3.5.1 and 7.3.5.2

Policy 5.4.2.5 - Removal of Pest Plants

Encourage the removal of pest plants from the coastal marine area.

Explanation - The Southland Regional Council wishes to facilitate the removal of pest plants from the coastal marine area. The plants that are of particular concern in the coastal marine area are detailed in Rule 5.4.2.6. Other plants may be a pest or nuisance within local areas, and whether Council should encourage their removal is a matter that can be looked upon on a case-by-case basis and a matter that can be assessed in providing for any resource consents within areas occupied by such plants.

To assist achievement of this policy, Council, in conjunction with other agencies and neighbouring regional councils, will undertake an educational/public awareness programme, especially to divers and fishers, so that location of new infestations of exotic vegetation, including *Undaria*, can be found early and eradicated quickly. With regard to marine farmers, educate to identify situations when their farms could be infected.

See also Sections 5.1 and 5.2

RULES

Rule 5.4.2.1²¹ - Introduction of exotic vegetation where not already present

Subject to Rules 5.4.2.5 and 5.4.2.6 the introduction of exotic vegetation not currently found:

- 1 in coastal water other than open coastal water; or
 - 2 on the foreshore of the coastal marine area, where it is intended to introduce the vegetation; or
 - 3 within one kilometre of a location in open coastal water where that species of vegetation is known to exist;
- into the coastal marine area, is a discretionary activity.

Explanation - The introduction of exotic vegetation needs to be assessed fully to consider all the possible effects such introduction would have on the receiving environment. Indigenous plant species, particularly of local genetic stock, are the preferred types for replanting an area as they will protect and enhance natural character, amenity values, biodiversity and protect areas of significant indigenous vegetation and significant habitats of fauna. Exotic plants may threaten such values and areas and need to be controlled.

Rule 5.4.2.2 - Introduction of exotic vegetation where already present

Except as described in Rule 5.4.2.6, purposely increasing the numbers of exotic vegetation not currently found:

- 1 in coastal water other than open coastal water ; or
 - 2 on the foreshore of the coastal marine area, where it is intended to introduce the vegetation; or
 - 3 within one kilometre of a location in open coastal water where that species of vegetation is known to exist;
- into the coastal marine area, is a discretionary activity.

Explanation - The introduction of exotic vegetation needs to be assessed fully to consider all the possible effects such introduction would have on the receiving environment. Schedule 1.8 of the New Zealand Coastal Policy Statement 1994 requires such effects to be considered.

See also Section 18.12

Rule 5.4.2.3 - Planting of indigenous species not of local genetic stock

Planting of any indigenous species not of local genetic stock, is a discretionary activity.

Explanation - The same species of plant can show variation in growth patterns in different locations. This variation may be partly due to local environmental effects and partly due to genetic differences. In some instances there can be obvious variation between local populations. These local variations contribute to local landscape character and the uniqueness of an area.

Planting a non-local species, subspecies or variety of plant, can introduce genetic material or characters into a population that otherwise would not be there. Introduced plants may inter-breed with the local population(s) in time, introducing new genetic material. This introduced genetic material could potentially lead to a change in the

²¹ Amended as a result of the New Zealand Coastal Policy Statement 2010

characters displayed by the local population. In the long term, a loss of genetic diversity may adversely affect a population's ability to respond to selection pressure and therefore threaten its survival. Any adverse effects on local indigenous vegetation could potentially also adversely affect species of indigenous fauna, particularly if it resulted in major habitat changes.

For the purposes of information requirements, the applicant would need to supply information under the same categories as those required for introduction of exotic plants.

See also Section 18.12

Rule 5.4.2.4 - Planting of indigenous species of local genetic stock

Planting of indigenous plant species of local genetic stock, is a permitted activity.

Explanation - Planting species of local genetic stock will protect and enhance natural character, biodiversity, amenity and intrinsic values of ecosystems and protect areas of significant indigenous vegetation and significant habitats of indigenous fauna. This is to be encouraged.

It is often difficult to define "local genetic stock" as the natural range of a species will depend on its method of dispersal/reproduction. Determining whether a plant is of local genetic stock involves:

- a review of whether the species is known to naturally exist in that area; and
- an examination of morphological features to determine if characteristics are the same as those found locally.

It would be advisable to consult with the Department of Conservation, prior to planting to ensure that the plant species is of local genetic stock.

Rule 5.4.2.5 - Introduction of exotic vegetation into the coastal marine area surrounding Stewart Island, Fiordland and offshore islands

The introduction of exotic vegetation into the coastal marine area surrounding Stewart Island, Fiordland, and their offshore islands is a prohibited activity.

Explanation - Stewart Island, Fiordland and their offshore islands are unique with high natural character, amenity and intrinsic values, as well as providing significant areas of indigenous vegetation and significant habitats for indigenous fauna. Natural biodiversity in these areas should not be put at risk from further introductions of exotic vegetation. The present exotic vegetation have already made an impact on such areas. New Zealand's native vegetation are fragile in nature and require protection and preservation for future generations to enjoy as well.

Rule 5.4.2.6 - Introduction of "unwanted organisms" and/or "pests"

The introduction of "unwanted organisms" and/or "pests", as defined by the Biosecurity Act 1993, within the coastal marine area is a prohibited activity.

Rule 5.4.2.7 - Removal of “unwanted organisms” and/or “pests” from the coastal marine area

The non-mechanical removal of “unwanted organisms” and/or “pests”, as defined by the Biosecurity Act 1993, from the coastal marine area, is a permitted activity.

Explanation for Rules 5.4.2.6 and Rule 5.4.2.7 - The Biosecurity Act 1993 provides for the identification of unwanted and pest organisms. These types of organisms pose a threat to the natural habitats, and/or vegetation and fauna of Southland’s marine environment, which may in turn pose a threat to the marine based economy. It is therefore undesirable to introduce these organisms into the Southland coastal marine area, and wherever they are found their removal should be facilitated.

Under the Biosecurity Act 1993, an organism can be declared to be an “unwanted organism”. This declaration is made where a chief technical officer, appointed under the Biosecurity Act, believes that a particular organism is capable of causing unwanted harm to any natural and physical resources or human health. The Chief Technical Officer is appointed under Section 101 of the Biosecurity Act. The chief executive of a department, recognised by the responsible Minister as having responsibilities for natural and physical resources or human health that could be adversely affected by an organism, may appoint chief technical officers for the purposes of the Biosecurity Act. Once an organism has been declared an unwanted organism, all the provisions of Part VI and, in some circumstances, Part VII of the Biosecurity Act come into force in relation to that organism, this includes authority to control and/or eradicate the organism.

Having “unwanted organism” status allows regional councils to undertake surveillance or implement a small-scale management programme under Section 100 of the Biosecurity Act. Additionally, the Biosecurity Act prohibits multiplication, release, sale and commercial display of unwanted organisms.

Unwanted organisms are able to be identified from the MAF website: <http://www.maf.govt.nz/biosecurity/pests-diseases/registers-lists/unwanted-organisms/index.htm>.

Alternatively, it is possible to contact the Unwanted Organisms Co-ordinator, Biosecurity Policy Co-ordination, Ministry of Agriculture and Forestry, Wellington.

Any organism may be specified as a “pest” in a pest management strategy after analysis through the process of preparing such a strategy. A Minister of the Crown can notify a national pest management strategy and/or a regional council may include specific organisms in a regional pest management strategy if they are of the opinion that, among other things, the organism under consideration is capable of causing at some time a serious adverse and unintended effect in relation to New Zealand or the region respectively on one or more of the following:

- i. economic well-being; or
- ii. the viability of threatened species of organisms, the survival and distribution of indigenous plants or animals, or the sustainability of natural and developed ecosystems, ecological processes, and biological diversity; or
- iii. soil resources or water quality; or
- iv. human health or enjoyment of the recreational value of the natural environment; or
- v. the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and Taonga.

See also Rule 10.5.3

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 5.4.2 are:

5.4.2.1 Exotic species of plant are not introduced into the coastal marine area where it is likely their introduction could have adverse effects.

5.4.2.2 Pest plants are either eradicated, confined or their spread is reduced, in the coastal marine area.

5.4.3 Exotic Fauna Introduction

Generally, deliberate introductions of exotic fauna species into the coastal marine area have been associated with marine farming or the release of fin fish for sporting and recreational purposes. The introduction of a new species of fin fish can have adverse effects on local indigenous species, especially in areas such as Stewart Island where there are few, if any, non-indigenous fin fish in estuaries and rivers. Stewart Island also contains a number of endangered fish species and is therefore a nationally important freshwater ecosystem and is a significant habitat of indigenous fauna.

The introduction of fauna for marine farming purposes may involve the issue of genetic pollution if the species to be farmed already occurs naturally in the area and the farm stock are brought in from another area. Where this situation occurs and the indigenous species is one where reproduction does not involve pelagic larvae, or where these larvae are only active for relatively short periods of time, i.e. hours or days (in some species the released larvae settle within 24 hours of release) rather than weeks or months, the risk of genetic pollution from marine farms is greater. This is because in a natural situation, the larvae of two distant populations, with the breeding characteristics described above, are unlikely to interact, thus reducing the chances of genetic material from outside the immediate vicinity being added to the population.

Biological invasions are a threat to the integrity of natural communities of plants and animals and to the preservation of endangered species. Invasions in marine systems have been less studied than invasions on terrestrial and in freshwater systems but invasions have the potential to cause profound ecological changes. The introduction of possums and rabbits into New Zealand have highlighted the potential threat exotic species can have on our natural and physical resources.

Within New Zealand there have been examples of the changes that can occur where unwanted organisms are accidentally introduced, for example, the Pacific Oyster. Precautions need to be taken to prevent accidental introduction of exotic organisms not from Southland into the coastal marine area.

Deliberate introductions of species not of local genetic stock can have adverse effects on indigenous species. This can occur through predation, competition or habitat disturbance. Thorough investigation of future proposals for deliberate exotic fauna introduction, into the coastal marine area, is needed to investigate their long term implications.

The introduction of exotic fauna into the coastal marine area can give rise to the following adverse effects:

- predation on fauna already within the area;
- competition for indigenous fauna species;
- loss of habitat of indigenous fauna;
- affect on coastal processes;
- loss of amenity and intrinsic values of ecosystems;
- genetic pollution;
- financial costs resulting from control activities.

For these reasons, it is necessary that the introduction or potential for introduction of new species to an area be assessed against stringent criteria.

ISSUES

Issue 5.4.3.1 - The introduction of fauna not of local genetic stock into the coastal marine area can adversely affect the ecological balance, natural character, biodiversity and coastal processes of the area

See also Sections 3, 5.1 and 12

Objective 5.4.3.1
Policies 5.4.3.1 and 5.4.3.2
Rules 5.4.3.1 and 5.4.3.2

Issue 5.4.3.2 Ballast water provides a mechanism for the transport of organisms from other parts of the world or, other New Zealand ports to the coastal waters of Southland. These organisms have the potential to adversely effect existing biotic assemblages and the life supporting capacity of ecosystems

Objective 5.4.3.1
Policy 5.4.3.1
Rules 5.4.3.1 and 5.4.3.2

Issue 5.4.3.3 - Accidental introductions of exotic fauna can arise through release of reproductive larvae from organisms attached to the hulls of ships

Objective 5.4.3.1
Policy 5.4.3.1
Rules 5.4.3.1 and 5.4.3.2

OBJECTIVES

Objective 5.4.3.1 - Introduction of exotic fauna

To avoid the introduction of fauna into the coastal marine area in circumstances that could result in adverse environmental effects.

Policies 5.4.3.1 and 5.4.3.2
Rules 5.4.3.1 and 5.4.3.2

Explanation - Before deliberately introducing any fauna to parts of the coastal marine area, an assessment of the adverse effects it may cause needs to be undertaken. This is to ensure that the introduction of this new species will not be to the detriment of the existing environment. It would be very difficult to eradicate introduced fauna from the coastal marine area once they have been introduced and established.

Exotic fauna may result in unforeseen effects in the coastal marine area, such as aggressive competition with indigenous species for habitat and food, changes in the food chain and genetic pollution. Destruction of habitats can alter coastal processes and increase the risk of erosion. The natural character and intrinsic value of ecosystems may also be adversely affected. The natural character, life-supporting capacity and intrinsic value of ecosystems may also be adversely affected.

POLICIES

Policy 5.4.3.1 - Introduction of exotic fauna

Prevent the introduction of exotic species of fauna where information relating to that species indicates that its introduction is likely to adversely affect:

- a indigenous vegetation; or
- b indigenous fauna; or
- c alter coastal processes; or
- d natural character; or
- e life-supporting capacity of ecosystems.

Rules 5.4.3.1 and 5.4.3.2

Explanation - Introductions of new fauna species may lead to profound ecological changes. They could affect the region's vegetation and fauna and may become a major threat to the physical and biological processes in coastal ecosystems. The introduction of a new organism can cause biological changes, particularly if the new organism is an aggressive coloniser that out-competes existing indigenous species resulting in their local extinction, or grazes on marine vegetation that is of importance as a nursery area for juvenile marine species.

More aggressive colonising species may out compete indigenous species and cause changes that have major effects on the functioning of the ecosystem. This can also have economic effects on industries dependent on the coastal marine area. Recreation activities can also be affected.

Rules 5.4.3.1 and 5.4.3.2

Policy 5.4.3.2 - Preference for indigenous fauna species

Prefer the use of indigenous fauna species sourced from the Southland region when repopulating or population enhancement is needed in the coastal marine area.

Explanation - Where repopulating parts of the coastal marine area is required, preference will be given to the use of indigenous fauna species, with a further preference for the use of local genetic stock. The importance of local genetic stock will depend on the method of dispersal used in reproduction of organisms. Local genetic material is known to be suited and adapted to the conditions of the local environmental conditions and would therefore have a greater survival rate. This will help to protect natural character and the intrinsic values of ecosystems.

RULES

Rule 5.4.3.1 - Introduction of exotic fauna and indigenous fauna not of local genetic stock

Except as provided for in Rule 5.4.3.2 the deliberate introduction of exotic fauna, and of indigenous fauna not sourced from the Southland region, is a discretionary activity.

Explanation - The introduction of exotic fauna and indigenous fauna not of local genetic stock needs to be assessed fully to consider all the possible effects such introduction would have on the receiving environment. The introduction of exotic fauna refers to non-indigenous organisms, including: fish such as salmon, animals, including both vertebrates and non-vertebrates such as starfish, shellfish, prawns etc. This Rule applies whether or not the exotic fauna would be caged or released.

Where introduced indigenous fauna have not been sourced from the Southland region, there is a risk that along with the organism being introduced there may be microscopic stages of unwanted organisms such as Undaria and Pacific oyster. These unwanted organisms pose threats to significant habitats of indigenous species.

Rule 5.4.3.2²² - Introduction of exotic fauna, and indigenous fauna not of local genetic stock, into the coastal waters of Stewart Island, Fiordland and their offshore islands

Except as provided for in Rules 15.1.1 to 15.1.4, the deliberate introduction of exotic fauna and indigenous fauna not sourced from the Southland region into the coastal waters of Stewart Island (as shown on Figure 5.4.3.1) and the coastal marine area of Fiordland, and offshore islands, is a non-complying activity.

Explanation - Stewart Island, Fiordland, and their offshore islands are unique with high natural character, amenity and intrinsic values, as well as providing significant areas of indigenous vegetation and significant habitats for indigenous fauna. The ecological integrity of these areas should not be put at risk from further introductions of exotic fauna.

Rule 15.1.1 provides for marine farming of new or additional species in existing farms as a discretionary activity. Rules 15.1.2 and 15.1.3 and 15.1.4 provide for marine farming in internal waters of Fiordland, in marine reserves and in Awarua Bay east of the Tiwai Causeway as a prohibited activity.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules, listed in Section 5.4.3 are:

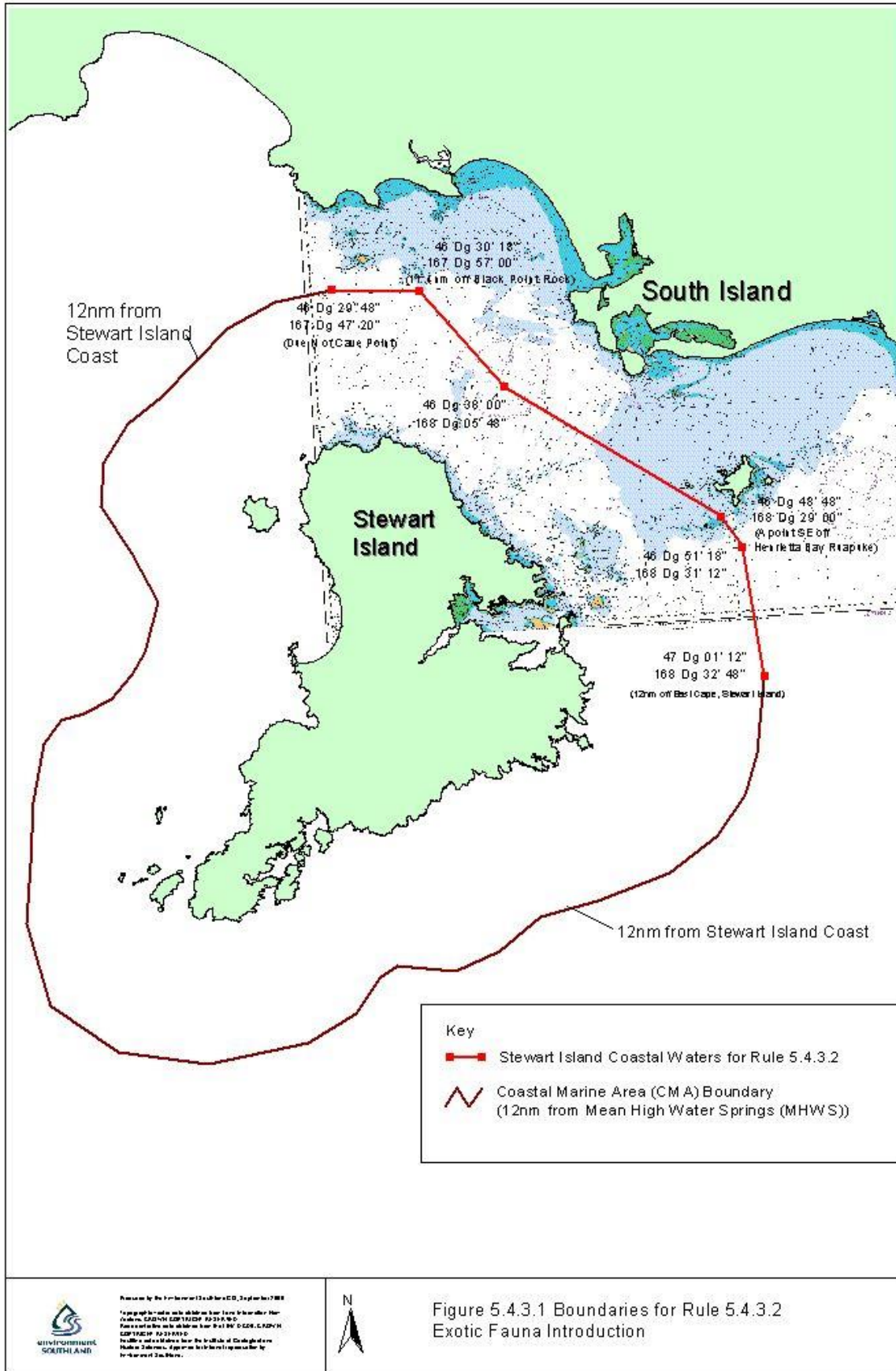
- 5.4.3.1 The introduction of fauna not found in Southland into the Southland coastal marine area is avoided.
- 5.4.3.2 The introduction of any species of exotic fauna already found in Southland to the coastal marine area that may have adverse effects is avoided.

5.5 Public Access

Most of the coastal marine area of Southland is legally owned by the Crown. People and communities have an expectation that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment. Section 6(d) of the Act states that it is a matter of national importance to maintain and enhance public access to and along the coastal marine area. In many parts of the coastal marine area, legal access is already provided to and along the coast, either by way of legal road, formed or unformed. In some areas access along the coast can be provided for within the foreshore. In other areas, the topography is such that even pedestrian access is very difficult.

In instances where very high conservation or iwi values exist, access to the coastline across land may be inappropriate. However, access from the coastal marine area itself, may be appropriate. For example, uncontrolled public access across some land could result in damage to foreshore dunes, areas of important fauna or vegetation or breeding areas or areas of special value to iwi. Elsewhere, and probably the more likely case, it may be more appropriate to restrict the mode of access along the foreshore to maintain these values.

²² Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004



Historically, aircraft have been used to gain access to remote areas of Southland. As a result, aircraft have contributed to Southland's wider economic environment. Float planes have been commonly used to gain access to the fiords of Fiordland, while wheeled fixed-wing aircraft have been used to land on remote beaches especially on Stewart Island, Martins Bay and Big Bay. Helicopter access to these areas is increasingly frequent but fixed-wing aircraft are less expensive to operate. The growth of the live rock lobster market has led to an increase in demand for aircraft access to remote areas.

Access to many parts of the coastal marine area is difficult or time consuming by any means other than by air. However, the wilderness experience of being in a remote area can be compromised by too much aircraft activity. The potential for such conflict is likely to increase as more and more people with less and less time try to enjoy remote and natural areas. Areas valued for remoteness and wilderness are a diminishing resource, and continued monitoring will allow the the Council to determine whether action needs to be taken to protect those values.

A balance between unlimited access and the maintenance of the values described above is very difficult to achieve.²¹

ISSUES

Issue 5.5.1 - The availability of public access to and along the coastal marine area is rated very highly by the New Zealand public and it is a matter of considerable concern when it is not available

See also Sections 5.6, 5.8 and 9

Objective 5.5.1
Policies 5.5.1, 5.5.2, 5.5.3
and 5.5.5

Aircraft

Issue 5.5.2 - Use of the coastal marine area for landing/take-off by aircraft can adversely affect natural character, significant habitats of indigenous fauna, public safety and amenity within the coastal marine area

See also Sections 5.3 and 20

Objectives 5.5.1 and 5.5.2
Policies 5.5.1, 5.5.2, 5.5.3,
5.5.4, 5.5.6, 5.5.7, 5.5.8
5.5.9, 5.5.10 and 5.5.11
Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Issue 5.5.3 - Access to, from, and within the coastal marine area can reduce the wilderness value of remote areas

See also Sections 5.3 and 20

Objective 5.5.2
Policies 5.5.1, 5.5.4, 5.5.6,
5.5.7, 5.5.8, 5.5.9, 5.5.10 and
5.5.11
Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Issue 5.5.4 - Pressure of human numbers and activities can have an adverse effect on sensitive resources in the coastal marine area and may need to be restricted in some cases

Policy 5.5.3

Issue 5.5.5²² - Use of aircraft associated with commercial surface water activities, ships or structures can have adverse effects if the use is frequent or occurs in areas valued for remoteness and wilderness

Policy 5.5.11

²¹ Changed by Environment Court Consent Order – Judge Jackson – 30 November 2006

²² Added by Environment Court Consent Order – Judge Jackson – 30 November 2006.

OBJECTIVES

Policies 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 5.5.6, 5.5.8 and 5.5.9
Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Objective 5.5.1 - Maintain and enhance public access

Where appropriate, to maintain and enhance public access by suitable means to and along the coastal marine area.

Explanation - The key to human enjoyment of the coastal marine area is access to it, along it, or along its margin, particularly in areas where access is impractical at normal high tides. Such access is required to facilitate a wide range of recreational activities, varying from the highly passive to the highly active, and to provide for different forms of access which recognise the transport limitations sectors of society have. In providing such access, however, regard must be had to the various values of the coastal environment and impacts on affected landowners. In some instances, visual access is more important than physical access.

Objective 5.5.2²³ - Aircraft use

To provide for aircraft to be used in the coastal marine areas where this does not have an adverse impact on areas valued for remoteness and wilderness and on significant habitats of indigenous fauna.

Explanation – Public use and enjoyment of the coastal marine area can be adversely affected by the presence and noise of aircraft landing or taking off.

Landings and take offs of aircraft also have the potential to impact adversely on colonies of indigenous fauna reducing breeding success. Particularly susceptible species include the threatened Stewart Island Shag and the Fiordland Crested Penguin. Marine mammals such as seals in rookeries can also be adversely affected.

See also Sections 5.3 and 16

Policies 5.5.1, 5.5.3, 5.5.4, 5.5.6, 5.5.7, 5.5.8, 5.5.9, 5.5.10 and 5.5.11
Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

POLICIES

Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Policy 5.5.1 - Identification of public access

Identify, as far as practicable:

- a the location and extent of places where the public have the right of access to and along the coastal marine area; and
- b those places where it is desirable that physical access to and along the coastal marine area by the public should be enhanced; and
- c those places where it is desirable that access to the coastal marine area useable by people with disabilities be provided.

Explanation - This Policy comes from Policy 3.5.2 of the New Zealand Coastal Policy Statement. Legal access within or along the coastal marine area of the Southland region is unrestricted apart from areas over which a private right of occupation exists, for example, marine farms and some port facilities. There may, however, be restrictions on the type of access.

Policy 5.5.2 - Access to sites of value to tangata whenua

Identify as far as practicable, the access which Maori people have to sites of cultural value to them, according to tikaka Maori.

²³ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006.

Explanation - This Policy comes from Policy 3.5.4 of the New Zealand Coastal Policy Statement.

See also Section 5.6

Policy 5.5.3 - Maintenance and enhancement of public access

Maintain and enhance public access to and along, the coast while having regard to the mode of access and the amenities of the area, unless a restriction on access is necessary to:

- a protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna; or
- b protect Maori cultural values; or
- c protect public health or safety; or
- d ensure a level of security consistent with the purpose of a resource consent; or
- e protect national security or the temporary use of an area for defence purposes; or
- f protect heritage, natural or cultural values; or
- g in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Explanation - Policy 3.5.1 of the New Zealand Coastal Policy Statement sets out circumstances in which a restriction on public access can be considered. Policy 3.5.2 of the New Zealand Coastal Policy Statement requires that provision be made for public access to and along the coastal marine area. The above policy is an extension of the New Zealand Coastal Policy Statement Policy 3.5.1, and seeks to set out the conditions under which access is not appropriate.

Much of the Southland coast is isolated and contains areas of high amenity or natural character. It may be inappropriate to construct road access to and along these parts of the coast. In such cases, air or boat access via the coastal marine area are the only practicable forms of access. Aircraft access has historically been used to provide access to remote places by way of either beach or water landings. Such access is particularly important for commercial fishing in remote areas of Fiordland or Stewart Island. Aircraft are used to transport crew, supplies and product (in many cases, live product) to and from the fishing areas.

In all areas, when providing access to and along the coast, regard needs to be given to the adverse effects of providing such access. People should be able to use the coast, including those with disabilities where practicable, for non-damaging activities, but access does not imply unrestricted vehicle access. There are valued areas where access is possible, but care needs to be taken to ensure that special values, for example, sensitive wildlife areas, areas of shellfish beds such as toheroa beds, estuarine habitats such as maritime marsh and salt meadow, areas of traditional spiritual and cultural concern for Maori, are safeguarded. Access may also need to be restricted during construction and maintenance of structures and other physical works, or for the continued safe operation of port and other harbour facilities.

Policy 5.5.4 - Mode of access

The mode of access to and along the coast is to be appropriate to:

- a the functional needs of people using it;
- b the ecosystems contained in the area;
- c the physical characteristics of the area; and
- d the well-being of people affected by it.

Explanation - Different types of access to and along the coast can have different effects, and regard needs to be had to these effects in determining the type of access to be provided. Of particular importance is the safety of users, amenity values and ecological values. With the exception of Oreti Beach (Rules 14.2.4, 14.2.12, 14.2.13), part of Porpoise Bay (Rules 14.2.2, 14.2.3, 14.2.5, 14.2.6, 14.2.15), Halfmoon Bay (Rule

14.2.16), Paterson Inlet (Rule 14.2.16), part of Taramea Bay (Rule 14.2.16), Awarua Bay (Rule 14.2.14) and the New River Estuary (Rules 14.2.7, 14.2.17), this Plan does not contain any provisions limiting access to any specific foreshore, seabed or surface water areas other than by aircraft (Section 5.5, Rules 5.5.1-5.5.10). The mode of access along the coastal marine area is limited by physical conditions and the frequency and duration of inappropriate use appears to be of such a scale that this is not an issue in most areas. The appropriateness of access is defined in other policies throughout this section of the Plan.

See also Section 14.2

Policy 5.5.5 - Provision of esplanade reserves, esplanade strips or access strips

Esplanade reserves, esplanade strips or access strips should be provided where they do not already exist, except where there is a need:

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

Explanation - Policy 3.5.3 of the New Zealand Coastal Policy Statement requires that provision be made for these reserves and strips along the coast making public access undesirable. This policy seeks to set out the conditions under which such strips are undesirable. Section 229 of the Resource Management Act provides the purposes of esplanade reserves and strips.

Within the coastal marine area, the Southland Regional Council is only likely to be involved in esplanade reserve issues in the case of reclamations or coastal permit applications where the coastal marine area is in private ownership.

Aircraft

Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Policy 5.5.6²⁴ - Aircraft use

Manage the adverse effects of the presence and noise of aircraft landing and taking off in the coastal marine area so that aircraft activity does not have an adverse impact on areas valued for remoteness and wilderness and on significant habitats of indigenous fauna.

Explanation – The landing and take off of aircraft in the coastal marine area can adversely impact on amenity values, particularly the sense of remoteness and wilderness. Careful management of the effects of aircraft will ensure that a proper balance is struck between the use of aircraft as a means of transport particularly in the more remote parts of the coastal marine area and the reasonable expectations of other users.

Rules 5.5.1, 5.5.2, 5.5.3 and 5.5.4

Policy 5.5.7 - Suitable facilities on adjoining land

Aircraft will only be permitted to land and take-off in the coastal marine area where there are no suitable facilities on adjoining land in the locality.

Explanation - Where there are suitable landing facilities on adjoining land, it is considered that these should be used because there is then no functional requirement to use the coastal marine area.

²⁴ Changed by Environment Court Consent Order – Judge Jackson – 30 November 2006

Policy 5.5.8 - Helicopter landings and take-offs

Allow helicopter landings and take-offs within the coastal marine area where:

- a there are no landward facilities available in the locality; and,
- b they can be undertaken without the need for additional landing pads or other structures; and,
- c such landings and take-offs are infrequent and irregular; and,
- d the resultant air disturbance does not give rise to nuisance; and
- e such landings and take-offs comply with the New Zealand Standard NZS6807:1994 Noise management and land use planning for helicopter landing areas.

Explanation - The operational nature of helicopters means that safety of other users is less of a consideration than with fixed-wing aircraft. However, there is a need to recognise the noise and draught effects. Operation within the above New Zealand Standard will help to minimise noise effects. Close liaison with operators may be required to ensure that they are aware of areas in which there are particular concerns.

See also Figures 5.5.1 and 5.5.2

Policy 5.5.9 - Fixed-wing landings and take-offs

Allow fixed-wing landings and take-offs within the coastal marine area where such landings and take-offs are of a frequency and regularity that does not create a nuisance.

Explanation - This Policy uses the terms frequency and regularity which are recognised as being subjective and open to question. The terms can be quantified (e.g. twice a day or once a week), but what is acceptable will vary from place to place. The approach taken is to make this activity permitted where there is unlikely to be a problem and make it discretionary or prohibited when concern is expressed about the frequency of such activity.

See also Figures 5.5.1 and 5.5.2

Policy 5.5.10²⁵ - User Conflicts in Fiordland

Work with commercial aircraft operators, other commercial operators and the Department of Conservation to reduce and manage conflicts between different users in the Fiordland coastal marine area.

Explanation – The Council considers that in addition to the provisions of this Plan one of the key management tools for minimising the conflict between users of the Fiordland coastal marine area is the development of an agreement or series of agreements in which the public’s right to access the coastal marine area, commercial operators’ livelihoods and the World Heritage status of the adjoining Fiordland National Park are recognised and provided for.

Policy 5.5.11²⁶ - Aircraft operating from or used to service structures or certain ships in Fiordland coastal marine area

Assess and manage the effects of the use of aircraft in Fiordland coastal marine area operating from or used to service structures, or ships, other than fishing vessels operating under the ITQ systems or ships at or over 1000 gross registered tons, as part of the resource consent process for those activities.

Explanation – Aircraft can be an integral part of the activities and the use of the ships and structures referred to in this policy. However, those aircraft operations may not always be appropriate because of their location, frequency and timing. Where

²⁵ Changed by Environment Court Consent Order – Judge Jackson – 30 November 2006.

²⁶ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006.

applications for resource consents for the activities and uses referred to in this policy are necessary in accordance with any provision of the Plan, Council will assess the adverse effects that may arise from associated aircraft operations. If necessary, it will impose conditions that avoid remedy or mitigate those adverse effects.

Where the use of a ship, less than 1000 gross registered tons does not require a resource consent under any provision of the Plan, Council will require that the operation of aircraft from such ship to be assessed as a discretionary activity in order to avoid remedy or mitigate any adverse effects.

RULES

Aircraft

Rule 5.5.1 - Landing and take-off of aircraft prohibited

- (a) The landing and take-off of all aircraft is a prohibited activity within the coastal marine area, within:
 - (i) Hall Arm
 - (ii) 300 metres of Map Reference C46 720240 at Sand Hill Point.

- (b) The landing and take-off of helicopters is a prohibited activity within:
 - (i) Deep Cove, west of an imaginary line between the south-east corner of the Meridian Wharf and Brassel Point.
See Figure 5.5.2

- (c) The take-off of fixed-wing aircraft is a prohibited activity within:
 - (i) Deep Cove, south of an imaginary line being the extension generally eastwards of the northern face of the Meridian Wharf
See Figure 5.5.3

Explanation - The natural character at Deep Cove and Hall Arm is such that even low numbers of aircraft landings and take-offs will have significant adverse effects upon the surrounding area. Additionally, a number of indigenous species of fauna are present in these areas, and aircraft landings and take-offs will have an adverse effect upon their habitats. The restriction at Deep Cove in respect of fixed-wing aircraft applies only to take-off activity. Fixed-wing aircraft will still be able to land and taxi in the area from which take-offs are prohibited.

Sand Hill Point is an area with special iwi values, and is waahi tapu. Erosion is a problem in the area, and as such enhancing access opportunities will lead to increased pressure on an area with significant cultural values.

It is prudent to avoid such effects, and accordingly the use of aircraft in the coastal marine area adjoining these areas has been prevented to mitigate the direct and indirect adverse effects that arise out of access by aircraft.

Rule 5.5.2²⁷ - Landing and take-off of aircraft discretionary

Except as otherwise provided by Rules 5.5.1, 5.5.3 and 5.5.4

- (a) the landing and take-off of all aircraft is a discretionary activity:
 - (i) on the foreshore of Bluff Harbour, Awarua Bay, Te Waewae Lagoon and the New River, Jacobs River, Toetoes, Haldane and Waikawa estuaries,

²⁷ Changed by Environment Court Order – Judge Jackson – 30 November 2006

- (ii) on the surface of the water, ships, structures or the foreshore of Stewart Island, landward and westward of a line drawn from Mamaku Point to Bullers Point,
 - (iii) on the foreshore of Codfish Island (Whenua Hou Nature Reserve) except for facilitating Runaka o Ngai Tahu or Department of Conservation management of the Island.
 - (iv) within 1 kilometre seaward of mean high water mark of the Breaksea Group, as gazetted under the National Parks Act 1980 (includes Breaksea Island, Wairaki Island, Hawea Island & Outer Gilbert #3 Island), Breaksea Sound.
 - (v) within 1 kilometre seaward of mean high water mark of the Nee and Shelter Islands, Doubtful Sound.
 - (vi) within 1 kilometre seaward of mean high water mark of Chalky Island, Chalky Inlet.
 - (vii) within 1 kilometre seaward of mean high water mark of an area around Yates Point, from an area between 1 km north of Yates Point 2 km south of Yates Point.
 - (viii) on aerial tourism/recreation operations in the areas marked on Maps 1 to 3 (Permitted Landing Zones), except at the landing zones identified on those maps.
 - (ix) In the internal waters of Fiordland on any ship of less than 1000 gross registered tons, that is not at the time being operated under and pursuant to a Resource Consent granted under any provision of the Plan.
 - (x) In those parts of Edwardson, Cunaris and Long Sounds shown on Map 3 (Permitted Landing Zones) that are not landing zones identified on Map 3 where the primary purpose is to embark or disembark passengers transferring to or from a ship used for a Commercial Surface Water Activity after or for a stay of less than 72 hours duration.
- (b) the landing and take-off of fixed wing aircraft is a discretionary activity in the following areas:
- (i) on the foreshore of the open coast from the Waiau Mouth to Brothers Point.
 - (ii) within the coastal marine area of Bluff Harbour, Awarua Bay, Te Waewae Lagoon, and the New River, Jacobs River, Toetoes, Haldane and Waikawa estuaries.

Explanation - Some areas in this Rule are generally close to centres of permanent population, and therefore beach landings and take-offs are more likely to conflict with other lawful users. Furthermore, given the accessibility of airstrips, landing and take-off on beaches will be less necessary, for example, at Horseshoe Bay where there is an airstrip available for public use at Ryan's Creek. Therefore there is generally no need to use Horseshoe Bay for this purpose except when Ryan's Creek is unsafe to use due to the prevailing weather conditions. Furthermore, the beach at Horseshoe Bay is regularly used by recreational users and is also very close to the road and several houses. Therefore any proposal to use the beach for landing aircraft, except in exceptional circumstances, requires assessment.

Some of the areas where restrictions apply contain values that are sensitive to aircraft activity. Estuaries and harbours are popular areas for recreational and commercial activities. They have centres of permanent population located nearby as well as being breeding and feeding areas for wildlife. Therefore, the landing and take-off of fixed-wing aircraft in these areas could potentially cause conflict for wildlife, noise, safety, and amenity reasons.

Civil Aviation Authorities do not have any controls that relate to landing and take-offs on beaches or water. They have guidelines which refer to take-off distances and the absence of people or obstructions, but in the final analysis the decision rests with the pilot who must also comply with any rules contained in this Plan.

Codfish Island contains an internationally important nature reserve (Whenua Hou) administered by the Department of Conservation, with advisory input from a special

committee including representatives of local Papatipu Runanga. Landings on Codfish Island are usually for the purpose of off-loading personnel and supplies associated with endangered species management. A permit is required from the Department of Conservation before going onto the island. In the circumstances, it is inappropriate to provide for aircraft to land and take-off from the foreshore of the island as a permitted activity. Where any resource consent is lodged, consultation will be required with the Department of Conservation.

Frequent aircraft landings and take off near significant habitats of indigenous fauna in the Fiordland coastal marine area can have adverse effects reducing breeding success. The Fiordland Crested Penguin is particularly susceptible. Marine mammals such as seals in rookeries can also be adversely affected.

In the areas marked on Maps 1 to 3 (Permitted Landing Zones) the permitted landing and take off on aerial tourism/recreational operations has been restricted to defined zones in the areas shown on the Maps in attempt to manage the potential adverse effects of these types of operations. All landings and take offs for aerial tourism/recreational operations outside of the defined zones in these areas therefore require a resource consent.

All landings on or take offs from ships that at the time, are permitted to operate in the internal waters of Fiordland without the need for a resource consent are discretionary activities. This is to ensure that the Council is able to manage the potential adverse effects of all aircraft to ship operations by either imposing necessary conditions as part of the consent for or the use of the ship or on the landing and take off of the aircraft directly.

To avoid potential adverse effects on those parts of the south-west fiords particularly valued for remoteness and wilderness, landings and take offs other than at the zones specified in the Rule, where the primary purpose is to embark or disembark passengers transferring to or from a Commercial Surface Water Activity after or for a stay of less than 72 hours duration, will require a resource consent

<p>Rule 5.5.3²⁸ – Landing and taking off of aircraft on aerial tourism/recreational operations or passenger transfer flights in south-west fiords subject to conditions</p>

The landing and take-off of aircraft:

- (a) on aerial tourism/recreation operations in the landing zones shown on Maps 1 to 3 (Permitted Landing Zones); or
- (b) on operations in those parts of Edwardson, Cunaris and Long Sounds shown on Map 3 (Permitted Landing Zones) where the primary purpose is to embark or disembark passengers transferring from or to a ship being used for a commercial surface water activity after or for a stay on board of 72 hours duration or more; or
- (c) on operations in the landing zones referred to in Rule 5.5.2 (a) (x) where the primary purpose is to embark or disembark passengers to or from a commercial surface water activity

is a permitted activity provided the following conditions are met:

- (i) The take- off/landings occur between the hours of 7am and 7pm
- (ii) A monthly record of the number of flights, number of passengers on each flight, the actual landing and take - off sites used and the specific purpose of each flight is supplied by the operator to the Southland Regional Council.

²⁸ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006

Rule 5.5.4²⁹ - Landing and take-off of aircraft permitted

- (a) Except as provided in Rules 5.5.1, 5.5.2 and 5.5.3 the landing and take-off of all aircraft is a permitted activity in the following areas:
 - (i) on the foreshore from Awarua Point to the Waiiau Mouth, except for those areas identified in Rules 5.5.1 and 5.5.2;
 - (ii) on the foreshore of Stewart Island from Mamaku Point westward to Bullers Point, provided that a monthly record of the number of flights, number of passengers, and the actual landing and take-off sites is supplied by the operator to the Southland Regional Council;
 - (iii) on the surface of the water, or on ships or lawful structures within the coastal marine area except in those areas identified in Rules 5.5.1, and 5.5.2;
 - (iv) in any part of the coastal marine area for the purpose of servicing or maintaining navigational aids, except for areas referred to in Rule 5.5.1.

- (b) The landing and take-off of fixed-wing aircraft is a permitted activity in the following areas:
 - (i) on the foreshore of Horseshoe Bay when adverse weather conditions prevent the safe landing of aircraft at the Ryans Creek airstrip on Stewart Island.

- (c) The landing and take-off of helicopters is a permitted activity in the following areas:
 - (i) on the foreshore from the Waiiau Mouth to the Brothers Point except as described in Rule 5.5.2(a)(i).

Explanation - The current type of aircraft activity in the coastal marine area west and north of the Waiiau Mouth is almost without exception, user driven, irregular and unpredictable. Where public airstrips are unavailable on nearby land, such use is not a significant source of concern, except in relatively frequently populated areas where peace and quiet is still valued. Access by aircraft is a traditional and accepted means of gaining access to the area for recreational, conservation, commercial and servicing purposes and as such there are no compelling reasons why this should not be allowed to continue in most places.

While there has been some concern expressed about increased landings and take-offs on Stewart Island, it is considered that this activity does not need to be controlled at this stage. However, it does need to be monitored to enable an assessment to be made of the contribution of airborne visitors to the overall impacts on the area.

The principal form of access around Stewart Island is walking, complemented by boat access, although the western beaches have traditionally been accessed by air. The wilderness value of a walking experience measured in days can be considerably reduced by the landing and take-off of several aircraft on a remote beach, notwithstanding the fact that such landings can only occur for a short period either side of low tide. However, aircraft access enables many people, who would otherwise be unable to, to enjoy these areas.

The provision of flight records to the Council will allow the continued monitoring of usage of the coastal marine area for landings and take-offs of fixed-wing aircraft and helicopters, and the continued evaluation of the effects of these activities. A protocol will be prepared to ensure that any use made of the coastal marine area by aircraft will be undertaken in such a manner to minimise the adverse effects which may result from the activity. Should that protocol not be successful Council would need to consider an alternative approach.

²⁹ Changed by Environment Court Consent Order – Judge Jackson – 30 November 2006

Aircraft landings and take-off from the water in remote areas or areas close to centres of population have the potential to reduce the pleasantness of those areas. However, the access that such aircraft provide would appear to outweigh the temporary adverse effects of aircraft landing on the water in the areas described above. Notwithstanding this, there may be a need to work with aircraft operators to minimise these effects.

Navigational aids play a vital role in providing for the safety and well-being of the community. Servicing these facilities is irregular, and will generally be of short duration. As such, the effects of the access will be no more than minor, and are therefore provided for.

Towards low tide the Horseshoe Bay beach, being oriented at right angles to Ryans Creek airstrip, is a safe alternative landing area for small planes during northwest winds. It is appropriate to provide for the use of the beach by aircraft in such conditions.

Helicopter landings and take-offs impact on a lesser area than fixed-wing aircraft, and as such it is appropriate that such activity is permitted on the foreshore of the open coast.

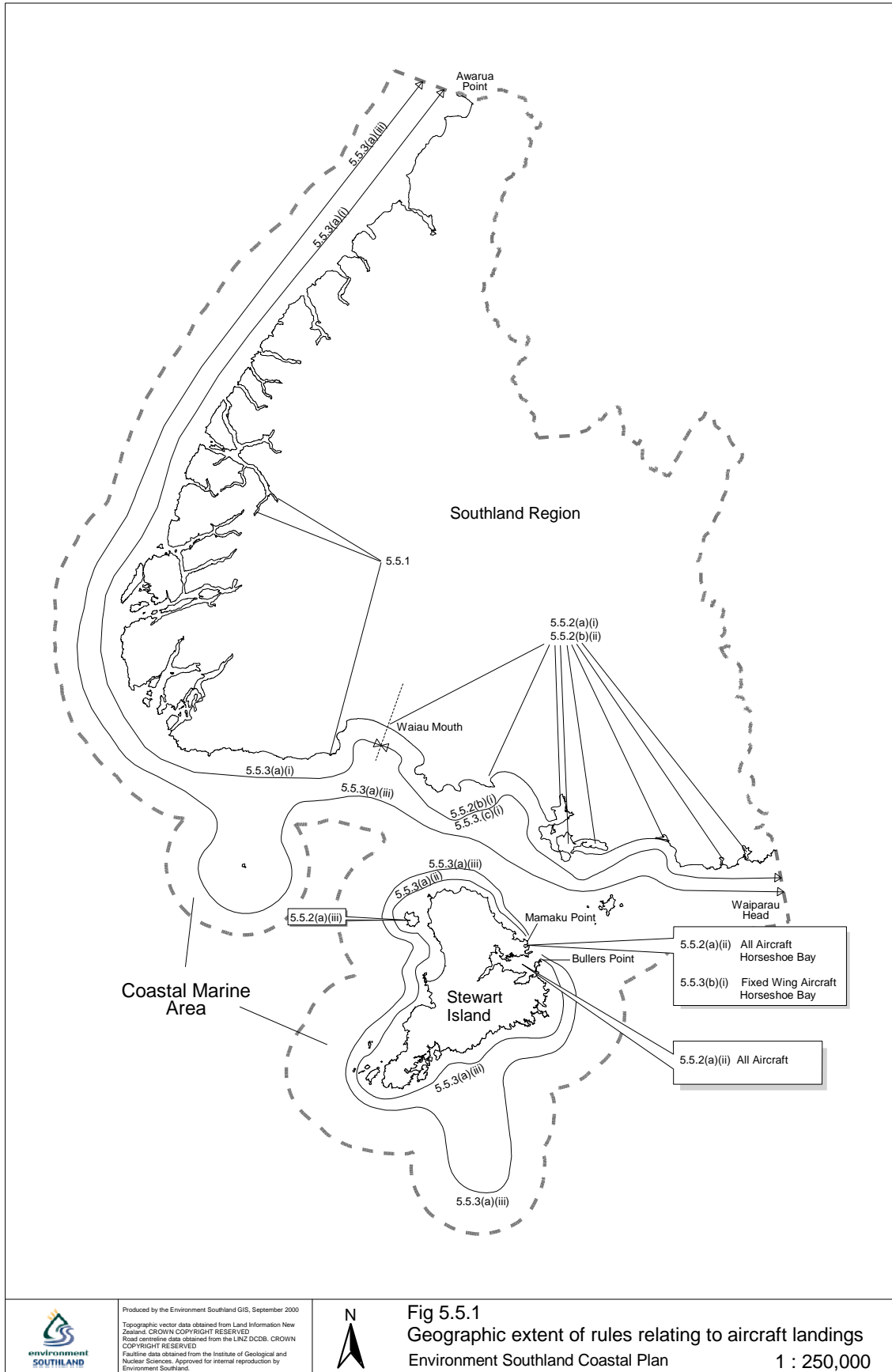
OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 5.5 are:

- 5.5.1 Public access to the coastal marine area is maintained and enhanced.**
- 5.5.2 Aircraft are used in a manner that minimises noise impacts.**
- 5.5.3 Better information on the contribution of aircraft to access to Stewart Island.**
- 5.5.4 Reduced conflict between aircraft operators and other coastal users.**
- 5.5.5³⁰ Areas in Fiordland CMA valued for remoteness and wilderness are managed to ensure that aerial access does not have an undue adverse impact.**
- 5.5.6³¹ Significant habitats of indigenous fauna that are susceptible to adverse effects from frequent aircraft landings and take-offs in the coastal marine area are protected.**

³⁰ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006

³¹ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006



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Fig 5.5.1
 Geographic extent of rules relating to aircraft landings
 Environment Southland Coastal Plan
 1 : 250,000

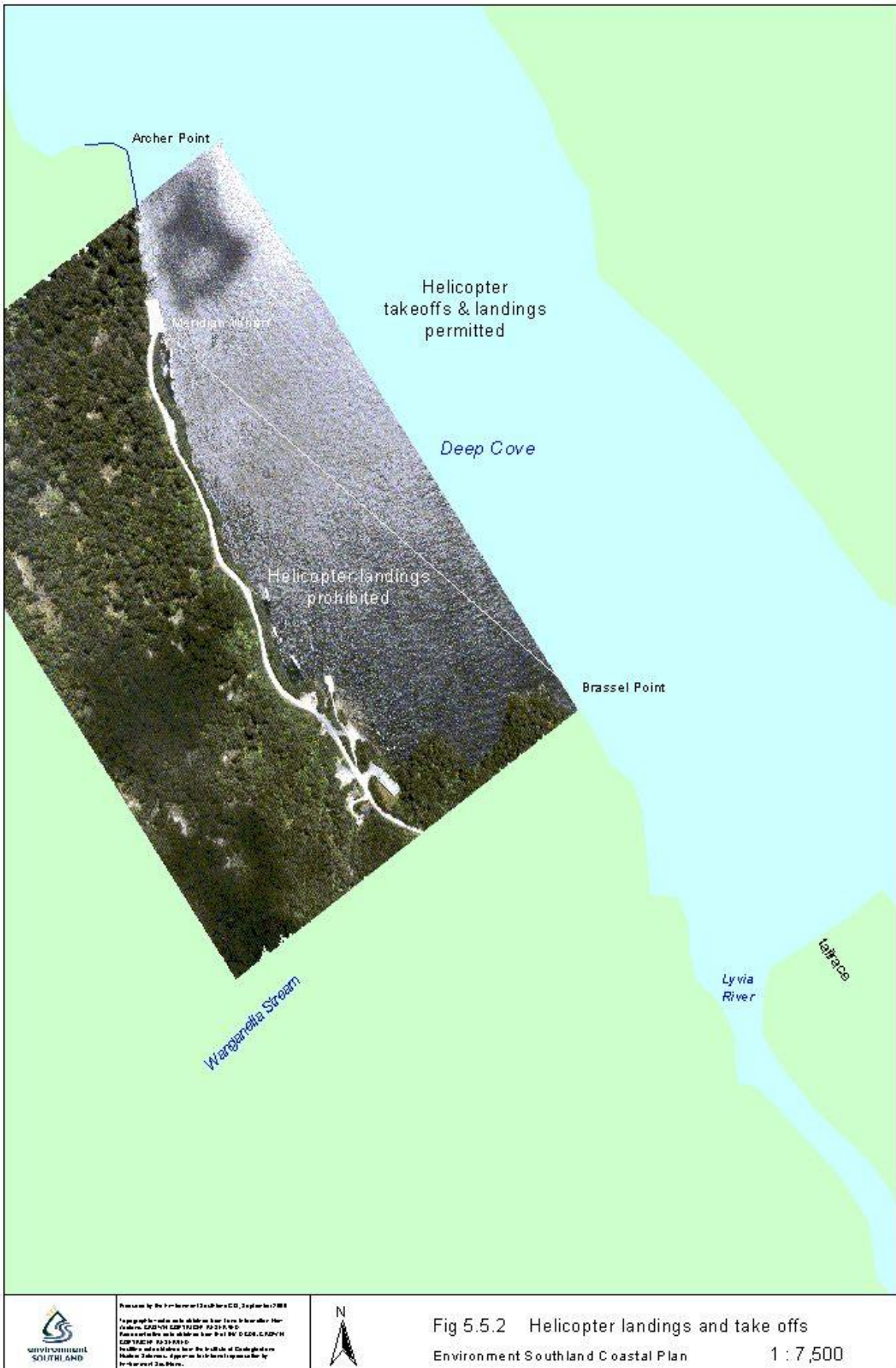
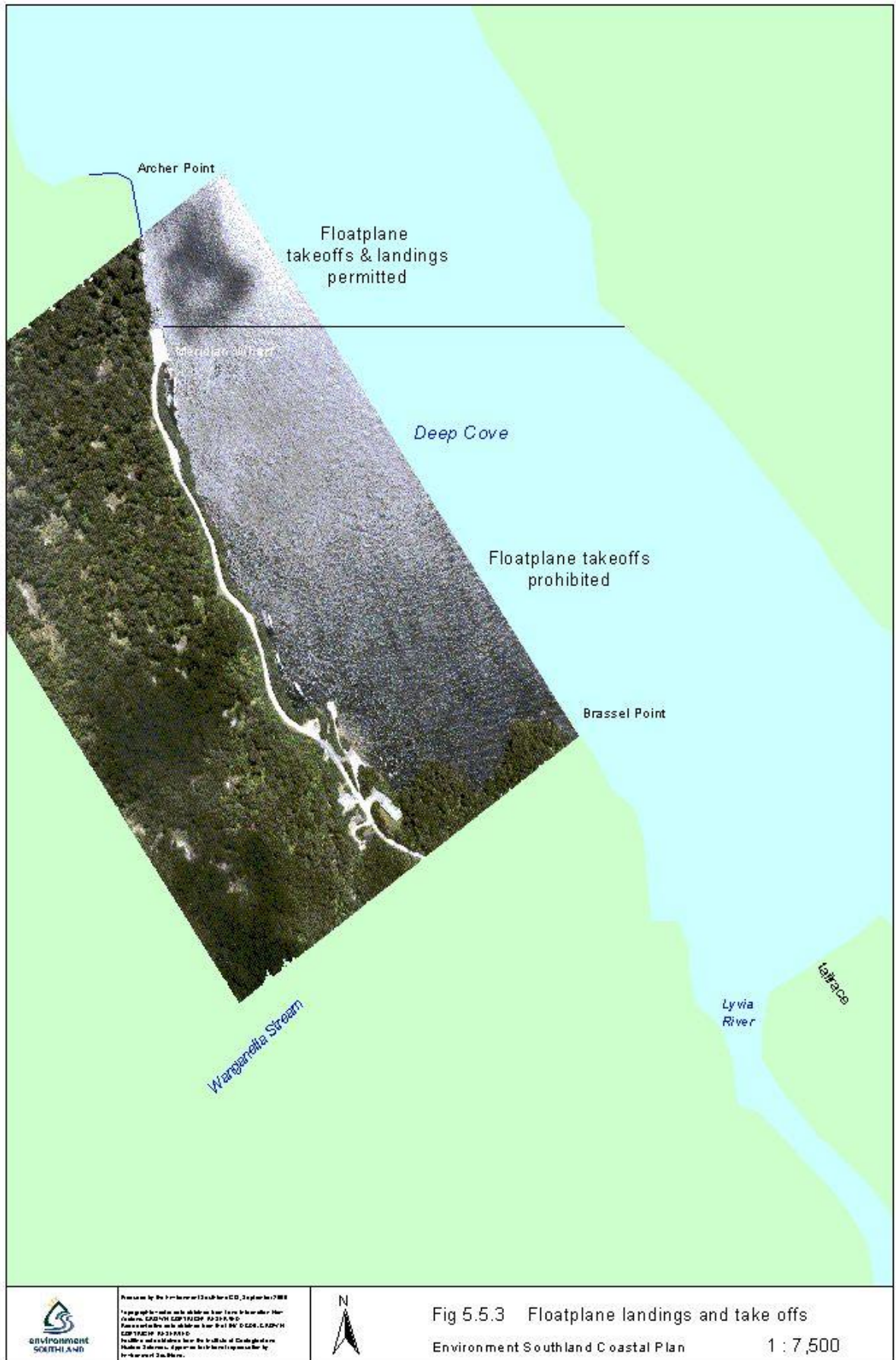
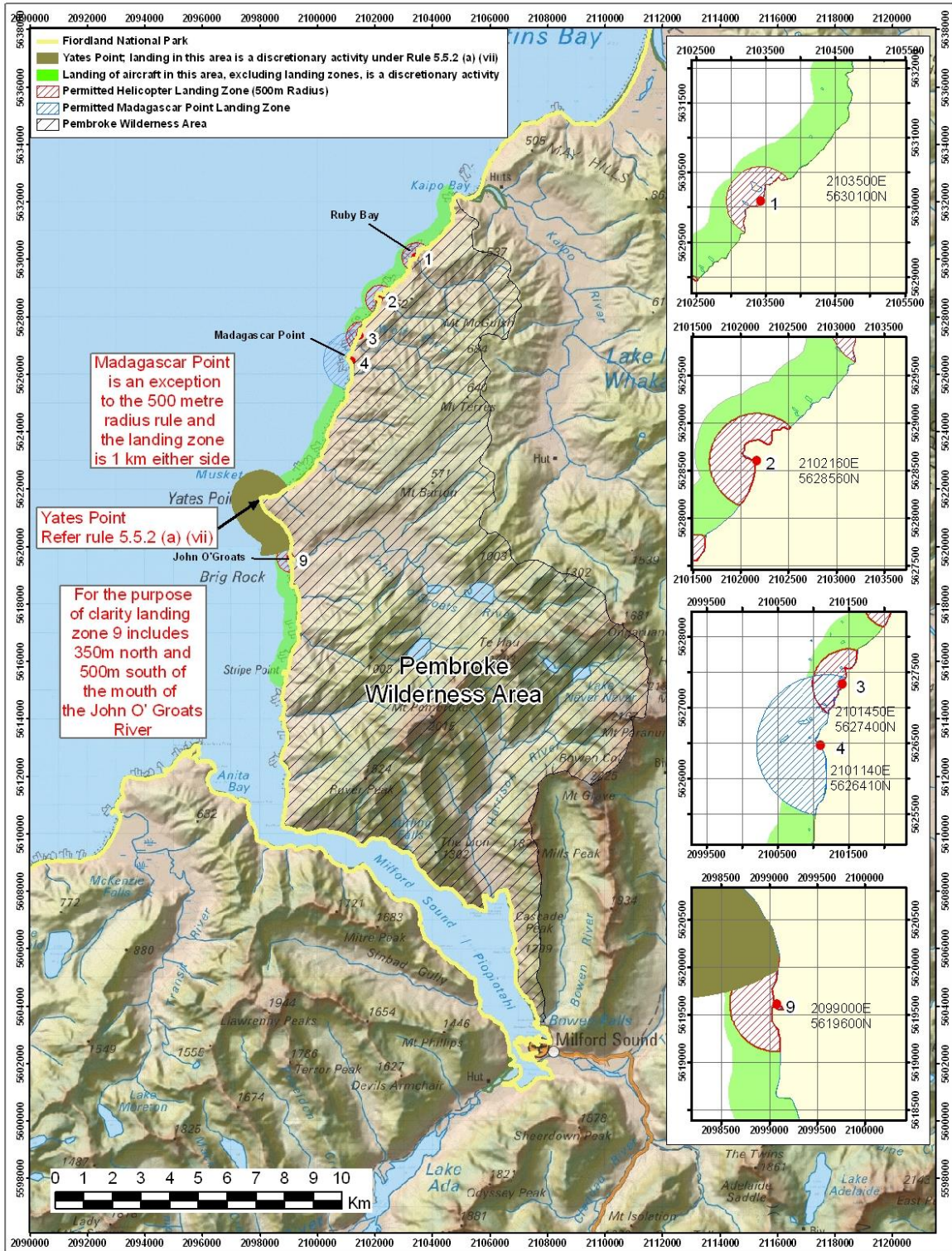


Fig 5.5.2 Helicopter landings and take offs

Environment Southland Coastal Plan

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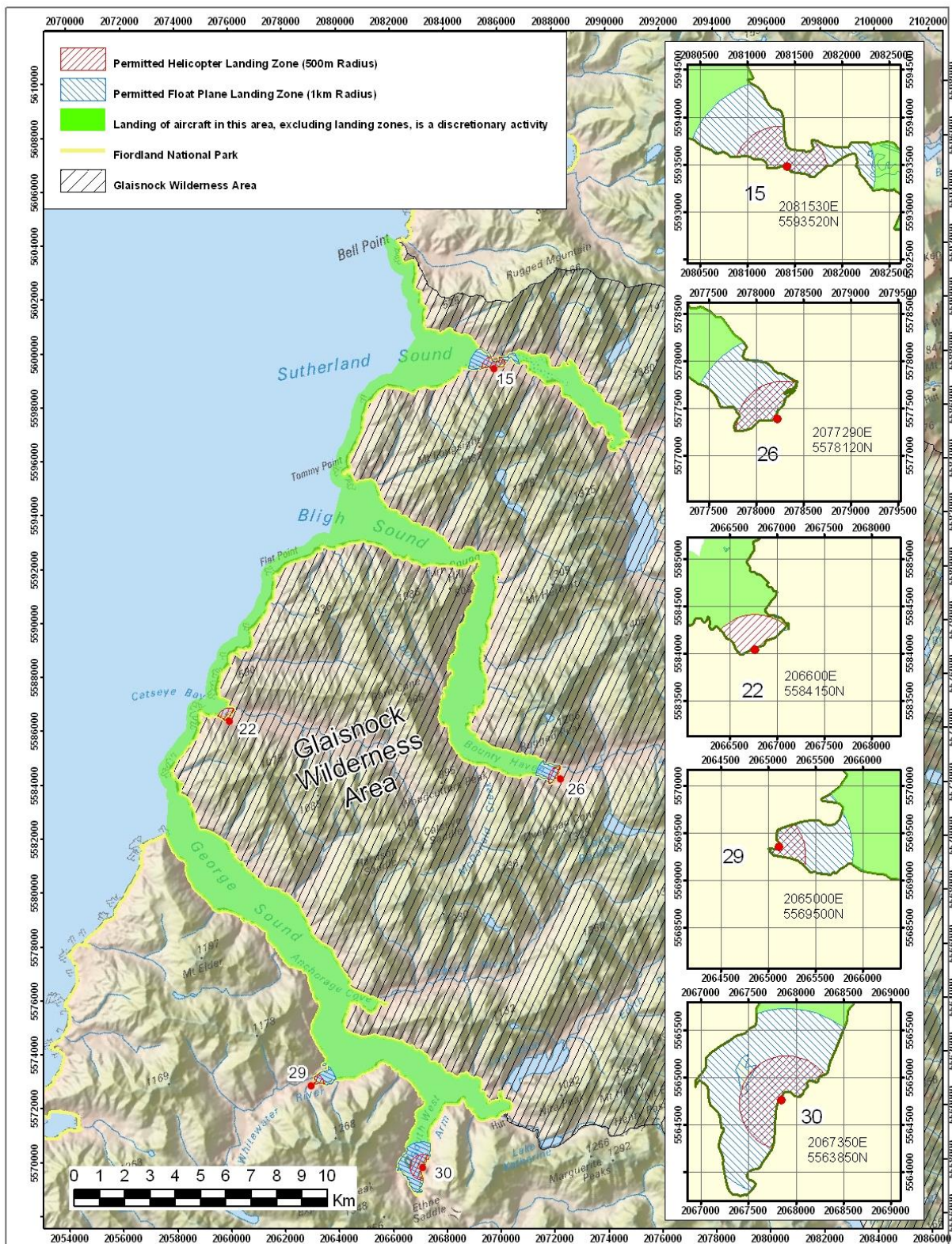




Regional Coastal Plan - Southland Map 1 Permitted Landing Zones (below MHWm only)

Note: No landings above MHWm in Pembroke Wilderness Area (Managed by Department of Conservation).
 Any Landings above MHWm (National Park Boundary) require a concession from the Minister of Conservation.
 Grid References in enlargements are in New Zealand Map Grid (NZMG) and refer to the center point from which the 'landing zones' are generated from. These coordinates have not been checked for accuracy. Irrespective of co-ordinates, all landings must be below MHWm.
 Please note that the boundary of the Fiordland National Park is indicative only.

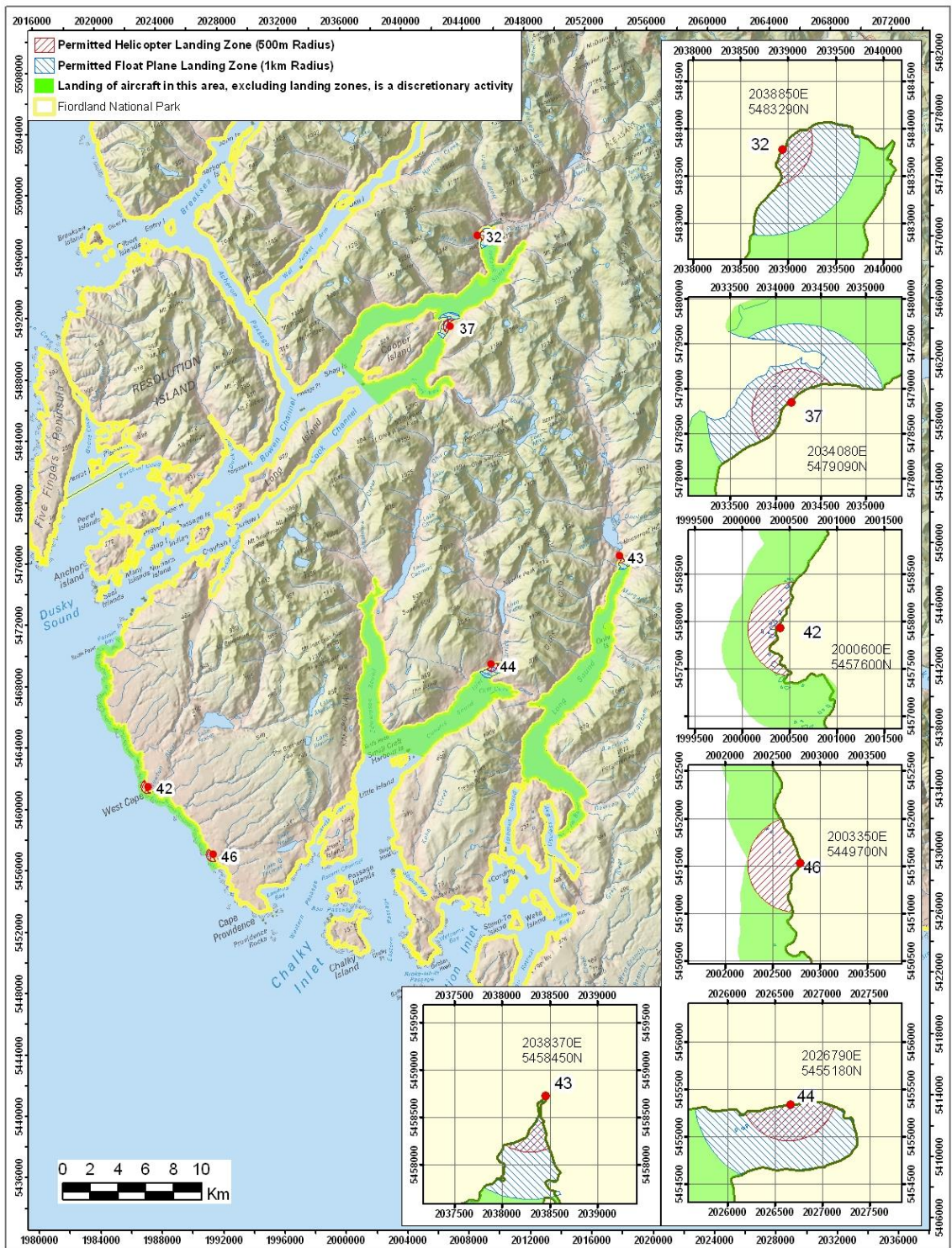
Project Name: Coastal Plan Map 1 Amended 15/06/2006
 Project Location: Project Fiordland Coastal Plan
 Datum: NZGD49, Projection: NZMG
 Map Date: 11/08/2006
 Map Scale: 1:100,000



Regional Coastal Plan - Southland Map 2 Permitted Landing Zones (below MHW only)

Note: No landings above MHW in Glaisnock Wilderness Area (Managed by Department of Conservation).
 Any Landings above MHW (National Park Boundary) require a concession from the Minister of Conservation.
 Grid References in enlargements are in New Zealand Map Grid (NZMG) and refer to the center point from which the 'landing zones' are generated from. These coordinates have not been checked for accuracy. Irrespective of co-ordinates, all landings must be below MHW.
 Please note that the boundary of Fiordland National Park is indicative only.

Project Name: Coastal Plan Map 2 Amended 2006
 Project Location: Projects\Planners\Coastal Plan
 Datum NZGD49, Projection NZMG
 Map Date: 11/08/2006
 Map Scale: 1:190,000



Regional Coastal Plan - Southland Map 3 Permitted Landing Zones (below MHWMM only)

Note: Any Landings above MHWMM (National Park Boundary) require a concession from the Minister of Conservation.
 Grid References in enlargements are in New Zealand Map Grid (NZMG) and refer to the center point from which the 'landing zones' are generated from. These coordinates have not been checked for accuracy. Irrespective of co-ordinates, all landings must be below MHWMM.
 Please note that the boundary of Fiordland National Park is indicative only.

Map Date: 11/08/2008
 Map Scale: 1:350,000
 Datum: NZGD-49, Projection: NZMG
 Project Name: Coastal Plan Map3 Amended 2008
 Project Location: Projects\Planes\Coastal Plan

5.6 Tangata Whenua O Murihiku

The Resource Management Act requires those exercising functions and powers under it (territorial authorities and regional councils, Ministers of the Crown, and their departments) to *recognise and provide for* the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi (wahi) tapu, and other taonga (taoka) (Section 6), to *have particular regard to* kaitiakitanga (kaitiakitaka) (Section 7), and to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (Section 8). Consequently, care needs to be taken to ensure that activities contrary to the spirit of Sections 6(e), 7(a) and 8 are not allowed unless the tangata whenua have been consulted and consensus reached.

The proposed Regional Policy Statement for Southland sets out matters of resource management significance to tangata whenua o Murihiku in accordance with Section 62(1)(b) of the Resource Management Act. Though the administrative boundary of the coastal marine area is unsuited to the holistic approach of the tangata whenua o Murihiku to the natural environment, there are nevertheless matters of importance to them related to the management of natural and physical resources in the coastal marine area.

In addition to the foregoing, to provide a special context for the coastal environment, which includes but is wider than the coastal marine area, Principle 9 of the New Zealand Coastal Policy Statement states that:

“The tangata whenua are the kaitiaki of the coastal environment.”

Kaitiaki, and the exercise of their responsibilities, kaitiakitaka, are a part of Maori culture and spiritual belief, rooted in the values of Maori society. They cannot be understood without reference to those values. Kaitiakitaka implies a relationship between people and the environment. This relationship encompasses and determines the position occupied by people in relation to the natural world in both its physical and metaphysical senses. Maori value the natural world for both its tangible and its intrinsic worth.

The term “kaitiakitanga [kaitiakitaka]” is defined in the Act to mean *“the exercise of guardianship by the tangata whenua of an area in accordance with tikanga (tikaka) Maori in relation to natural and physical resources; and includes the ethic of stewardship based on the nature of the resource itself”*. The term “kaitiakitanga [kaitiakitaka]” is complex, embodying a philosophy which has an active component as well as a responsibility.

“It is important to understand that the definition is intended to offer decision makers a starting point. It offers concepts of guardianship and stewardship which are reasonably familiar.”

Kaitiakitaka includes an obligation on people to use resources in ways which respect and preserve other resources in the environment. Kaitiaki has the function of alerting people to the obligations of compliance with the tenets of this relationship. The ability and responsibility for determining how to effect compliance rests with the tangata whenua.

To elaborate on this, the New Zealand Coastal Policy Statement contains the following policies with regard to the protection of the characteristics of the coastal environment (which in this Plan is specific to the coastal marine area, with cross boundary issues (Section 20) dealing with the coastal environment) of special value to tangata whenua including wahi tapu, tauraka waka, mahika kai, mataitai, and taoka raraka:

Policy 2.1.1 Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga [tikaka] Maori. This includes the right of tangata whenua to choose not to identify all or any of them.

Policy 2.1.2 Protection of the characteristic of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga

[tikaka] Maori. Provision should be made to determine, in accordance with tikanga [tikaka] Maori, the means whereby the characteristics are to be protected.

Policy 2.1.3 Where characteristics have been identified as being of special value to tangata whenua, the local authority should consider:

- (a) the transfer of its functions, powers and duties to iwi authorities in relation to the management of those characteristics of the coastal environment in terms of Section 33 of the Resource Management Act 1991; and/or*
- (b) the delegation of its functions, powers and duties to a committee of the local authority representing and comprising representatives of the relevant tangata whenua, in relation to the management of those characteristics of the coastal environment in terms of Section 34 of the Resource Management Act 1991.*

The following mythology is central to the perspective of Ngai Tahu:

Once upon a time, there was no New Zealand. The heaving waters of the Great Sea of Kiwa rolled over the place now occupied by the North, South, and Stewart Island. No sign of our fair land existed on the breast of the ocean.

Before Raki (the sky-father) wedded Papa-Tua-Nuku (the earth-mother) each already had existing children by other unions. After the wedding, some of the sky children came down to inspect the new wife of their father. Among these celestial visitors were four sons of Raki known by the names Ao-Raki (cloud in the sky), Raki-Roa (long Raki) Raki-Rua (Raki the second) and Raki-Roa (a long continuous line). They came down in the canoe known as Te Waka-A-Aoraki, and cruised around Papa-Tua-Nuku, who lay as one body in a huge continent known mostly as Hawaiki. The canoe left the shores of earth mother and boldly put out to sea, but go where they would, the voyagers could find no land. Then disaster over took them, and the Karakia (invocation) which should have lifted them skyward to safety went wrong and their craft sank to an undersea ridge, being turned to stone and earth in the process. Unfortunately it did not sink levelly. The western side being left much higher than the eastern side.

The sons of Raki clambered on to this high side and also turned to stone.

Aoraki became Mount Cook and his three younger brothers became the three peaks nearest it.

The whole canoe forms what is now known as Te Waipounamu.

Reference: *Kai Tabu Representatives on the Coastal Working Party (personal communication), 1994, Southland Regional Council, Invercargill.*

It follows, therefore, that for Ngai Tahu, the characteristics of the sea and land interface expresses many values that transcend all aspects of cultural belief, concept and practice. It is the place of Takaroa the atua (deity), the god of the sea, who rules supreme over this domain. The one who observes all that we are doing. It is the medium by which the ancestors arrived in Te Waipounamu and is one of the means by which travel throughout the island was able to occur.

In this respect, Ngai Tahu have identified the following matters as being of significance to them:

- 1 that in taking into account the principle of the Treaty of Waitangi (Te Tiriti o Waitangi) Ngai Tahu assert their status as kaitiaki of the coastal environment, and as tangata whenua, retain rakatirataka (chieftainship) over their resources and taoka;

- 2 the concept of kaitiaki included in the Resource Management Act and the New Zealand Coastal Policy Statement;
- 3 that tangata whenua have their own understanding of Kaitiakitaka appropriate to their own particular needs and aspirations;
- 4 that Kaitiaki have intimate knowledge of their coastal resources and taoka;
- 5 that tangata whenua assert kaitiakitaka, occupation and use rights over those coastal resources;
- 6 that the location of wahi tapu/wahi taoka will be known to kaitiaki, however, this information may be restricted within the immediate iwi/hapu/whanau group and generally will not be available to the public;
- 7 that a consistent role for all kaitiaki is to protect, promote and enhance the mauri (life essence) of the mahika kai and water resources within their tribal rohe;
- 8 that kaitiaki principles not only enable protection over coastal resources for conservation and preservation purposes, it also includes protection for potential tribal development;
- 9 that the protection and enhancement of water quality is a major concern for tangata whenua in terms of its social, traditional, spiritual, cultural and economic value;
- 10 that in social terms, coastal areas are utilised for mahika kai and mataitai purposes;
- 11 that certain areas of the coastal environment may contain sites of wahi tapu. Further, in traditionally spiritual terms these may require restricted access for and against Iwi and to Iwi alike;
- 12 that the protection of wahi tapu/wahi taoka include the philosophy that water surrounding such sites will not be desecrated by pollution. This may have the potential to degrade the traditional spiritual significance of such sites;
- 13 that the New Zealand Coastal Policy Statement recognises tangata whenua as the kaitiaki of the coastal environment. And therefore, that any decision made over the management and administration of the coastal environment must include tangata whenua.

Section 8 - Treaty of Waitangi (Te Tiriti o Waitangi)

Section 8 of the Resource Management Act 1991 requires that *“in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”*.

The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are outlined below; these being sovereignty and kawanataka, exclusive possession and rangatiratanga [rangatirataka], partnership, and active protection.

Ngai Tahu recognise that recreational, commercial and domestic use of the coastal marine area should be available for the good of all society. However, any use and management must respect the rights of Manawhenua Ngai Tahu and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Ngai Tahu see the consultation process as the most appropriate avenue for these principles to be addressed.

The following policies are contained in the New Zealand Coastal Policy Statement with regard to taking into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in land of the Crown in the coastal marine area:

Policy 4.2.1 All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti O Waitangi).

Policy 4.2.2 All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (a) take into account the principles of the Treaty of Waitangi;*
- (b) make provision for consultation with tangata whenua which is early, meaningful and ongoing, and which is as far as practicable in accordance with tikanga [tikaka] Maori;*
- (c) have regard to any relevant planning document recognised by the appropriate iwi authority;*
- (d) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (e) where practicable, and with the consent of tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga [tikaka] Maori.*

ISSUES

Objective 5.6.1
Policy 5.6.1

Issue 5.6.1 - Lack of regard is had to the concept of kaitiaki in relation to managing the use, development and protection of natural and physical resources in the coastal marine area

Objectives 5.6.1 and 5.6.2
Policies 5.6.1, 5.6.2, 5.6.3, 5.6.4
and 5.6.5

Issue 5.6.2 - Inadequate consultation with tangata whenua may lead to inadequate protection of the characteristics of the coastal environment of special value to the tangata whenua

Objectives 5.6.1 and 5.6.2
Policies 5.6.1, 5.6.2, 5.6.3, 5.6.4
and 5.6.5

Issue 5.6.3 - Lack of knowledge and recognition of the importance of cultural, spiritual and traditional values and uses of Ngai Tahu

OBJECTIVES

Policy 5.6.1

Objective 5.6.1 - Recognise values of Ngai Tahu

To recognise and provide for cultural, spiritual and traditional values and uses of Ngai Tahu in the coastal marine area.

Explanation - Sites of significance to Ngai Tahu include wahi tapu (sacred places), wahi taoka (treasured resources) and mahika kai (food gathering areas). The methods of protection for these values will be determined in consultation with Ngai Tahu to ensure that they are undertaken in accordance with tikaka Maori. Particular regard will be had

to kaitiakitaka, which is a traditional method of protecting, sustaining and preserving resources. In certain circumstances it may be appropriate to appoint a commissioner with tikaka Maori experience on a hearing committee.

Water itself is also of importance. In the Maori conception, Papatuanuku (Mother Earth) is the nurturer of life, creating and supplying a web of biological support systems for her children (e.g. people, vegetation and fauna). Water is representative of a life-giving essence, with waterways serving as alimentary canals, supplying nourishment to her and, through her, to all living things and everything returning through her in the birth-death cycle. As part of this, Papatuanuku is the medium through which wastes must pass to be cleansed of impurities. Waterways act as agents for Papatuanuku in this context, expressing the kinship connection that Maori believe people enjoy with the divine forces operating in the environment. As such, Ngai Tahu consider that water should be treated with appropriate reverence. Many Maori customs seek to protect water for environmental reasons thereby enabling use by people, fauna and vegetation.

Objective 5.6.2 - Consultation with tangata whenua

Objective 4.9.2
Policies 5.6.1, 5.6.2, 5.6.3,
5.6.4 and 5.6.5

To ensure that consultation takes place with tangata whenua in appropriate circumstances.

Explanation - Ngai Tahu will need to identify what are the appropriate circumstances, and these can be set out in a policy framework in the plan. It is likely to include consultation by:

- (i) Council when preparing, monitoring, reassessing and reviewing plans;
- (ii) applicants when preparing applications for controlled, discretionary or non-complying activities.

Policy 4.2.1 of the New Zealand Coastal Policy Statement requires the Council to “recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti O Waitangi)”.

Policy 4.2.2 of the New Zealand Coastal Policy Statement encourages consultation, and this objective complies with that.

POLICIES

Policy 5.6.1 - Kaitiakitaka

Have particular regard to the concept of kaitiakitaka in relation to managing the use, development and protection of natural and physical resources in the coastal marine area.

Explanation - The New Zealand Coastal Policy Statement provides no direction on kaitiakitaka, but the Regional Policy Statement for Southland in Objective 1.4 (Section 5) states that particular regard will be given to kaitiakitaka. Also refer to New Zealand Coastal Policy Statement Principle 9.

Kaitiakitaka is a traditional method used by Ngai Tahu to protect, sustain and preserve resources. The kaitiaki of resources were often individuals with the specialist knowledge of the use and sustainability of a particular resource, thus protecting and ensuring continued use for the future. There is a need to develop a process which assists in understanding the meaning of kaitiakitaka and the involvement of kaitiaki in decision making. This is a matter that will require consultation with Ngai Tahu.

Figure 5.6.1 THE TREATY OF WAITANGI - TE TIRITI O WAITANGI

Official English Version

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the Native population and to Her subjects has been graciously pleased to empower and authorise me WILLIAM HOBSON a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the Confederated and Independent Chiefs of New Zealand to concur in the following Articles and Conditions.

English Version of the Treaty's Three Articles

Article the first

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with in that behalf.

Article the third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

Maori Version of the Three Articles *(with translation of Maori Version (Professor Sir Hugh Kawharu))*

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou wenua.

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

Ko te tuarua

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga Rangatira ki nga hapu ki nga tangata katoa o Nu Tirani te tino Rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua -ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being appointed by the Queen as her purchase agent).

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini -Ka tiakina e te Kuini o Ingarangi nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarangi.

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand (that is, the Maori) and will give them the same rights and duties of citizenship as the people of England.

Principles of the Treaty

WAITANGI TRIBUNAL

THE ESSENTIAL BARGAIN

The exchange of the right to make laws for the obligation to protect Maori interests.

PARTNERSHIP

The Treaty implies a partnership, exercised with utmost good faith.

The Treaty is an agreement that can be adapted to meet new circumstances.

The needs of both Maori and the wider community must be met, which will require compromises on both sides.

The courtesy of early consultation.

The courtesy of choice: Maori, Pakeha and bicultural options.

ACTIVE PROTECTION

The Maori interest should be actively protected by the Crown.

The granting of the right of pre-emption to the Crown implies a reciprocal duty for the Crown to ensure that the tangata whenua retain sufficient endowment for their unforeseen needs.

The Crown cannot evade its obligations under the Treaty by conferring its authority on some other body.

The "Taonga" to be protected includes all valued resources and intangible cultural assets.

TRIBAL RANGATIRATANGA

The Crown obligation to legally recognise tribal rangatiratanga.

Tino rangatiratanga includes management of resources and other taonga according to Maori cultural preferences.

Source : English Text from Treaty of Waitangi Act 1975, Maori Text from Treaty of Waitangi Amendment Act 1985, Translation of Maori Text from I H Kawharu, (1989) "Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi"; all contained in Crengle, D (1993) Taking into Account the Principles of the Treaty of Waitangi: Ideas for the Implementation of Section 8 Resource Management Act 1991, Ministry for the Environment, Wellington, pp. 6-7.

COURT OF APPEAL

The acquisition of sovereignty in exchange for the protection of rangatiratanga.

The Treaty requires a partnership and the duty to act responsibly and in good faith (the responsibilities of the parties being analogous to fiduciary duties).

The freedom of the Crown to govern for the whole community without unreasonable restriction.

Maori duty of loyalty to the Queen, full acceptance of her Government through her responsible Ministers, and reasonable co-operation.

The duty of the Crown is not merely passive but extends to active protection of the Maori people in the use of their lands, and other guaranteed taonga to the fullest extent practicable.

The obligation to grant at least some form of redress for grievances where these are established.

Maori to retain chieftainship (rangatiratanga) over their resources and taonga and to have all the rights and privileges of citizenship.

Policy 5.6.2 - Consultation where an activity may impact on a site of cultural significance

Have regard to and ensure consultation where an activity, use or development occurs within the vicinity of those sites of cultural significance identified on the maps in Appendix 3 and/or in the tables in Appendix 8.

Explanation - Before categorising an activity as permitted in this Plan, regard was given to the potential adverse effects of that activity on cultural sites. Similarly, the effects of proposed activities on cultural sites need to be considered during the resource consent process.

Applicants should first contact the New Zealand Archaeological Association Southland File Keeper at the Southland Museum and Art Gallery, who will advise if the wahi tapu is an archaeological site. Under Section 10 of the Historic Places Act 1993, all archaeological sites (which may include wahi tapu, wahi taoka) must not be destroyed, damaged, or modified in any way without authority granted by the New Zealand Historic Places Trust. The applicant must also consult with the appropriate Runaka.

Policy 5.6.3 - Grounds for consultation

The tangata whenua shall be meaningfully consulted by the Council and/or applicants for resource consents when:

- a an activity could physically disturb a site identified in this Plan as being of significance to tangata whenua;
- b an activity could have adverse effects on values of tangata whenua.

Explanation - The tangata whenua have a special status under Sections 6(e), 7(a), and 8 of the Resource Management Act 1991. Tangata whenua are more than just an interest group and need to be consulted with on any proposed activity that may affect a site or value of importance to them. To make the consent process quicker and smoother, the applicant should first consult with the New Zealand Archaeological Association Southland Filekeeper and the relevant Runaka before making an application for a resource consent. Te Ao Marama Inc will facilitate consultation, the provision of information relevant to the resource consent process, and will process all resource consent inquiries on behalf of tangata whenua. In addition, a brochure on the Consultation Process with tangata whenua, pursuant to the resource consent process is available from the Council.

Policy 5.6.4 - Characteristics of special value to the tangata whenua

Identify and protect the characteristics of the coastal marine area of special value to tangata whenua.

Explanation - Sites and areas of importance are those contained in "Te Whakatau Kaupapa o Murihiku," this Plan and those identified through consultation processes. The New Zealand Archaeological Association Southland Filekeeper also administers some of the silent files which contain areas of importance to Tangata Whenua. The values of significance in these areas include indigenous species, tribal history, tohu (monuments), vegetation, battle sites, settlement sites, whakapapa relationships/mauri and kaitiaki species, estuaries and wetlands.

Policy 2.1.3 of the New Zealand Coastal Policy Statement suggests that where characteristics are of special value to tangata whenua, consideration should be given to the local authority transferring powers to iwi authorities or delegating those powers to a committee representing and comprising representatives of the tangata whenua. Alternatively, current processes can be used to recognise and provide for tangata whenua concerns. These processes can be enhanced by the Council facilitating meaningful and effective consultation with appropriate members of the runaka. At this

time, there would seem to be no advantage in transferring any functions to an iwi authority.

Policies 2.1.1 and 2.1.2 of the New Zealand Coastal Policy Statement require that characteristics of special value to Ngai Tahu be identified. That has been partially achieved by the Council facilitating the preparation of "Te Whakatau Kaupapa o Murihiku", but it is still necessary for consultation between the Council and the four Runaka ki Murihiku to be ongoing. It is also necessary for applicants to consult with Te Ao Marama Inc and the New Zealand Archaeological Association Southland Filekeeper to identify whether silent files apply to the area of the proposed activity. It is anticipated that this consultation and identification of values will also occur through the Charter of Understanding that has been formalised between the Southland Regional Council, the three territorial authorities in Southland, and the Awarua, Hokonui, Oraka/Aparima and Waihopai Runaka which provides the basis for the recognition of respective rights, mutual respect and mutual benefit between Tangata Whenua and the local authorities. In addition, the local authorities in Southland and representatives of Te Runanga o Ngai Tahu and the Kaupapa Taio Manager have produced "A Protocol for Dealing with Resource Consents" and a brochure on the Consultation Process with Iwi pursuant to the resource consent process.

Policy 5.6.5 - Protection of characteristics of significance to Maori

It is a national priority to protect:

- a characteristics of traditional spiritual, historical or cultural significance to Maori identified in accordance with tikaka Maori; and**
- b significant places or areas of historic or cultural significance; which in themselves or in combination, are essential or important elements of the natural character of the coastal marine area.**

Explanation - This Policy comes from New Zealand Coastal Policy Statement Policy 1.1.3(b) and (c). In order to achieve this, consultation is required between tangata whenua and the Council to identify values to be protected which are of local significance to tangata whenua. These values, such as rimurapa (bull kelp), may not necessarily be important on a regional basis because there may be better stands elsewhere in the region, but they may be significant to a particular Runaka. This consultation will also enable the identification of areas which require enhancement.

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 5.6 are:

5.6.1 Tangata whenua are consulted.

5.6.2 Ngai Tahu cultural, traditional and spiritual values and uses are recognised and provided for.

5.7 Heritage

Section 7(e) of the Resource Management Act 1991 states that particular regard is to be given to the "*recognition and protection of the heritage values of sites, buildings, places, or areas*".

Section 6 of the Resource Management Act 1991 states that all persons exercising functions and powers shall recognise and provide for the following matter of National Importance:

- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water sites, Waahi tapu and other taonga.*

Heritage involves those aspects of the natural and cultural environment which have been inherited from the past, which define the present and which will be handed on to future generations. In the coastal marine area, heritage resources include features such as structures, archaeological sites including shipwrecks, historic and traditional areas.

Heritage relates to aspects of human occupation or visitation to New Zealand. While there are many examples on land, few are recorded within the coastal marine area. This does not necessarily indicate that there are few such sites within the coastal marine area of Southland, but rather as a reflection of the lack of knowledge of the use of the coastal marine area in the past. It is anticipated that there are many more sites of heritage value within the coastal marine area of the region and over time it would be expected that the list of heritage sites within this Plan would be expanded. Some heritage sites are more important for people having been there, rather than what is left.

Sites within the coastal marine area, which are of cultural value to the tangata whenua include:

- tauraka waka (canoe landing sites)
- mahika kai (seafood gathering areas)
- natural and physical features that are referred to in oral traditions
- traditional coastal access points
- archaeological sites.

A number of these sites are identified on the planning maps for this Plan, either in detail, or by way of general location. This information has been obtained from the New Zealand Archaeological Association Filekeeper.

Sites within the coastal marine area of European cultural value include:

- sites visited by earlier explorers
- historic anchorages and mooring areas
- shipwrecks
- remnants of wharves and other structures used for whaling, boat-building, etc
- archaeological sites.

Archaeological site means any place in New Zealand that-

- (a) either-
 - (i) was associated with human activity that occurred before 1900; or
 - (ii) is the site of the wreck of any ship where that wreck occurred before 1900;
- and
- (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand." (Historic Places Act 1993 s2).

Where new sites of cultural importance are found, the Historic Places Act 1993 provides for their protection.

Historic places within the coastal marine area cannot be protected through the heritage orders process under Section 189 of the Resource Management Act because these provisions can only apply to district plans. As a consequence, the protection of these resources is reliant upon appropriate measures in this Plan.

The New Zealand Historic Places Trust has identified sites of significance in the New Zealand Historic Places Trust Register, but this document is not an exhaustive record. The Department of Conservation has identified sites of significance in its Historic Resources Strategy for Southland Conservancy. This document is an internal Department of Conservation document that provides guidance on the active management of 73 historic sites in the Southland Conservancy. Of the many historic sites in the Conservancy, these 73 are deemed by the Department to warrant being actively managed to protect and maintain their physical characteristics. In addition, all

known physical remains of human activity on land managed by the Department of Conservation are given protection, by management procedures which ensure their continued existence. Most of the sites in the coastal environment are included in the Appendix 8. Of the 73 sites, 26 have a close association with the coastal marine area.

Sites from the Historic Places Trust Register and the Department of Conservation's Historic Resources Strategy that occur either in or adjacent to the coastal marine area have been identified below. In addition to these sites, two other sites were identified during the consultation process as meriting particular identification in this plan. These sites are also listed below:

Sites from the Historic Resources Strategy which are to be protected from the effects of activities in the coastal marine area:

- H1* Round Island - Maori site
- H2* Indian Island, Dusky Sound - Maori occupation site
- H3* Astronomers Point, Dusky Sound - Temporary observatory set-up and Captain Cook's second visit in 1773
- H4* Luncheon Cove, Anchor Island, Dusky Sound - Site of early European habitation, first house and first site for ship building
- H5* Cuttle Cove Whaling Station - First whaling station in New Zealand (established in 1829)
- H6* S. S. Stella Hull, Chalky Inlet - First purpose-built lighthouse service ship built in 1875
- H17* Morning Star Mine/Te Oneroa - Most successful quartz mine and township site
- H19* Tarawera Smelter/Mine, Preservation Inlet - A rare brick smelter for extracting ore i.e. silver, copper and gold
- H20* Wilson River Pack Track - Early government pack track to give miners better access to workings
- H21 Anita Bay Stone Hut Remains - Only remains of a stone hut in Fiordland
- H26* Landing Shed/Cemetery - Site of all stores landed for Puysegur Point Lighthouse
- H27* Endeavour Wreck Site, Facile Harbour - New Zealand's first shipwreck (1795)
- H32* Henry's House Site, Pigeon Island - Site of first Ranger Base in Fiordland
- H34* Codfish Island Sealing Camp/Maori Settlement (Whenua Hou) - A long serving sealing base turned permanent settlement
- H35 Port Pegasus Shipbuilding Site, Cooks Arm - First European settlement on Stewart Island
- H36&37* Port Pegasus Settlement, Fishing/Mining - Historic settlement, tin mining, fishing
- H38* Port Pegasus Maori Occupation Site, Cooks Arm One of many rock-shelters in the area
- H39* Port William Settlement Site - First Sealing base, Shetland immigration
- H40 Ulva Island, Tourism/Nature Reserve, Paterson Inlet - First Post Office for Stewart Island (1-9-1872); first area set aside for preservation of native game and vegetation (23-10-1899)
- H42* Gallons Sawmill Site, Kaipipi Harbour - First water-driven sawmill on Stewart Island
- H43* Maori Beach Sawmill Site/Hauler - A bush hauler on site in reasonable order
- H44* Kaipipi Whaling Base, Prices Inlet - Only purpose built Antarctic whaling fleet service base in New Zealand
- H53* Waipapa Bucket Dredge Remains - Remains of a bucket dredge
- H54 S. S. Tararua Wreck Site - New Zealand's worst sea disaster involving civilians (131 people died)
- H58* Maori Occupation Site, Ocean Beach - A small Maori settlement occupied prior to and possibly just after European contact at Bluff

New Zealand Historic Places Trust Register of registered sites and areas in Southland's coastal marine area:

3261 Port of Invercargill Jetty, New River Estuary

Sites that were identified through the consultation process in addition to those mentioned above were:

“Waikare” 1910 wreck* (Dusky Cove on Stop Island)
“Endeavour” 1795 wreck - ballast stones

Note: * sites are shown in the Appendix 8, Archaeological Sites.

All 'H' numbers without an asterisk indicate a site identified in the Department of Conservation's "Historic Resources Strategy Sites". These sites are shown on the maps in Appendix 3. Sites with an asterisk and an H are common to the Department of Conservation and New Zealand Archaeological Association index.

While some of the sites may not be in the coastal marine area, activities that take place in the adjoining coastal marine area can adversely affect the heritage value of the site by altering the physical characteristics of an area to such an extent that it is difficult to comprehend that the original activity ever occurred.

See also Section 5.10.4

ISSUES

Objectives 5.7.1 and 5.7.2
Policies 5.7.1, 5.7.2 and 5.7.3
Rules 5.7.1, 5.7.2, 5.7.3 and 5.7.4

Issue 5.7.1 - Sites of heritage value in the coastal environment can be modified or destroyed by inappropriate use and development in the coastal marine area

Objectives 5.7.1 and 5.7.2
Policies 5.7.1, 5.7.2 and 5.7.3
Rules 5.7.1, 5.7.2, 5.7.3 and 5.7.4

Issue 5.7.2 - Ignorance of cultural or heritage values can result in unintentional desecration or degradation of those values

See also Sections 3, 5.6, Appendix 5 and Appendix 8

OBJECTIVES

Policies 5.7.1 and 5.7.2

Objective 5.7.1 - Protection of heritage values

To recognise and have regard for the need to protect heritage values of sites, buildings, places or areas within the coastal environment.

Explanation - Principle 8 of the New Zealand Coastal Policy Statement stresses that cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.

Heritage refers to both cultural and historic values. Those sites of importance therefore could relate to the period when Maori were the only inhabitants of Southland, the time since European settlement, or the features of the modern day.

Policy 5.7.3

Objective 5.7.2 - Heritage value of landscape features

To avoid, remedy or mitigate adverse effects on landscape features of high heritage value in the coastal marine area.

Explanation - Landscape features of high heritage value are irreplaceable and therefore any adverse effects of an activity need to be avoided, remedied or mitigated so that this heritage value is not diminished. The heritage value of a landscape feature shall take

into account the feature's relationship with any historic or archaeological site identified in this plan.

The feature may also have heritage value in its own right. Some examples of this would include landing sites (either tauraka waka or sites where European whalers, sealers or immigrants landed), reefs where historic ship wrecks occurred, or features that represent significant spiritual associations between tangata whenua and the land.

POLICIES

Policy 5.7.1 - Specific sites with important heritage values

Protect the heritage values of the following sites and areas:

- a Port of Invercargill Jetty
- b "Waikare" 1910 wreck
- c "Endeavour" 1795 wreck - ballast stones
- d sites in the Department of Conservation Historic Resources Register and identified in this Plan (Introduction to Section 5.7)
- e sites in the New Zealand Archaeological Association register and identified in this Plan (Appendix 8)

Explanation - See explanation to Policy 5.7.2.

Policy 5.7.2 - Other sites with important heritage values

Rule 5.7.3

Protect the heritage values of sites, areas, natural and physical features not listed in Policy 5.7.1, but otherwise recognised as having some heritage value.

Explanation - Policy 5.7.1 focuses on known pre-European sites and post-European sites of national or regional significance that are worthy of protection. There are also other sites not covered by that policy that are of local significance. Remains of old tram lines in Waikawa Harbour are an example. There may also be sites that have significance to a particular hapu.

Physical features provide a tangible link with the past. They include evidence of earlier occupation or use of the coastal marine area. They may also include natural features significant to the history of either tangata whenua or early Europeans. Examples of physical features include the remnants of early human activity such as wharves, jetties, mooring dolphins and whaling equipment. Examples of natural features include features such as caves, inlets, reefs and boulders.

Neither Policy 5.7.1 nor Policy 5.7.2 prevent the use and development of areas with heritage value. However, where sites will be modified, the original heritage values should be retained. This should include the protection of aesthetic values of physical resources relating to historic significance.

Policy 5.7.3 - Identification of heritage values

Ascertain heritage values wherever practicable when considering the use, development and subdivision of the coastal marine area.

Explanation - The use, development or subdivision of an area provides an opportunity for the heritage values of the area to be investigated and ascertained before a consent is granted for the use of the area for a particular activity.

RULES

Rule 5.7.1 - Removal of archaeological material from privately owned wrecks

Removal of any archaeological material from privately owned shipwrecks or other privately owned relics in the coastal marine area by the proprietor or persons acting for the proprietor is a permitted activity.

Explanation - Some shipwrecks are owned by people who have the right to salvage material from these wrecks. These people can not be prevented from taking what is legally theirs. If the activity is likely to result in adverse effects on other aspects of the environment e.g. the seabed or water quality, it may require a resource consent.

Rule 5.7.2 - Removal of archaeological material from the coastal marine area

Except as described in Rule 5.7.1, removal of any archaeological material from the coastal marine area, is a discretionary activity.

Explanation - Remnants of construction and equipment used during historic activity in the coastal marine area provide tangible links with the past. Historic relics or artefacts within the coastal marine area form part of our heritage and generally should be retained without unnecessary modification by people. In circumstances where the relics are likely to be lost forever due to rising sea levels, natural erosion of the site or weathering it may be preferable for some remnants to be appropriately protected away from the site.

Rule 5.7.3 - Modification or destruction of sites listed in Policy 5.7.1

The modification, or destruction of sites listed below is a non-complying activity, except as is provided for by Rules 5.7.1 and 5.7.4:

- Port of Invercargill Jetty
- “Waikare” 1910 wreck
- “Endeavour” 1795 wreck - ballast stones
- sites in the Department of Conservation Historic Resources Register and identified in this Plan (Introduction to Section 5.7)
- sites in the New Zealand Archaeological Association register and identified in this Plan (Appendix 8)

Explanation - Historic sites form part of our heritage. The Department of Conservation Historic Resources Strategy identified sites of significance in the Southland Conservancy. The significance of those sites ranges from local to national to International. Twenty six of the 73 sites identified in the Strategy occur in the coastal marine area.

The Port of Invercargill Jetty is registered with the New Zealand Historic Places Trust. The 1910 “Waikare” wreck is lying on its side, semi-intact in Dusky Sound. It has been identified as one of the more interesting wrecks on the New Zealand coast in the “1994 Wreck Book” (Lampson-Locker and Francis, 1994). The “Endeavour” ballast stones are the only visible remains of the 1795 wreck in Dusky Sound. This wreck is of historical interest because it is the first recorded shipwreck in New Zealand.

Rule 5.7.4 - Modification of historical sites

The modification of historical sites identified in Rule 5.7.3, for the purposes of preservation or protection, by or with the consent of authorised authorities, is a controlled activity.

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

- 1 the measures taken to avoid, remedy or mitigate any adverse effects on the seabed or foreshore;
- 2 the measures taken to avoid, remedy or mitigate any discharge, of contaminants into the coastal marine area;
- 3 the measures taken to avoid, remedy or mitigate any adverse effects on heritage values.

Explanation - The authorised authority for historic sites listed in the Historic Resources Strategy is the Department of Conservation. The authorised authority for the Invercargill Jetty is the New Zealand Historic Places Trust. It will be necessary to consult with the New Zealand Archaeological Association Southland Filekeeper to determine the authorised authority for sites registered under the New Zealand Archaeological Association Site Recording Scheme.

To enable present and future generations to enjoy the historic and cultural sites in the coastal marine area, appropriate protection and/or preservation may be deemed necessary by or with the consent of the authorised authorities. Although the authorised authorities listed above or persons acting with their authority are unlikely to behave in an irresponsible manner, this Rule provides a process for ensuring the activity will not be contrary to community heritage values and other values of the area. It provides a process whereby Council is aware of changes to the physical nature of a heritage site.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 5.7 are:

- 5.7.1 **The heritage values of sites, buildings, places or areas within the coastal environment are protected.**
- 5.7.2 **The heritage value of landscape features will be retained in the coastal marine area.**

5.8 Efficient Use of Natural and Physical Resources

Sections 7(b) and 7(g) of the Resource Management Act 1991 require that particular regard shall be given to *“the efficient use and development of natural and physical resources”* (Section 7(b)) and to *“any finite characteristics of natural and physical resources”*.

Efficient use of natural and physical resources is a complex issue arising from human demand and management issues. It encompasses an understanding of the characteristics of the resources that are being considered such as finiteness, renewability and scarcity. Finiteness is linked to renewability. Renewability includes resources which can either renew themselves or be artificially renewed through human management. Rates of renewability vary and may or may not keep pace with the rate of their use by humans. An analysis of scarcity is also an important consideration in considering efficient use. Scarcity can arise when an activity is dependent on specific conditions only present in a limited area or when there is competition for the same area or resource.

ISSUES

Objective 5.8.1
Policy 5.8.1

Issue 5.8.1 - Irreversible environmental results can occur due to natural and physical resources being inefficiently used and developed without any consideration of the effects the activities may have

See also Section 4.7

Objective 5.8.1
Policy 5.8.1

Issue 5.8.2 - Finite characteristics of the coastal marine area are irreplaceable or irrecoverable once lost

Objective 5.8.1
Policy 5.8.1

Issue 5.8.3 - Activities that result in adverse effects on the environment reduce the inherent ability of an area to provide for multiple uses

See also Sections 4.4 and 4.7

Objective 5.8.1
Policy 5.8.1

Issue 5.8.4 - Use and development that require specific conditions can be prevented from occurring if exclusive occupation of the areas in which the specific conditions occur is granted to a use or development suited to a much wider range of conditions

See also Sections 4.2, 4.4 and 4.6

Objective 5.8.1
Policy 5.8.1

Issue 5.8.5 - In some situations demand for the use of particular resources can exceed the availability of these resources

See also Section 5.10

Objective 5.8.1
Policy 5.8.1

Issue 5.8.6 - The renewability of a resource will vary depending on the characteristics of that resource and how that resource is used. Demand for a resource could create pressure to use the resource at a rate or in a way that will cause depletion to occur

See also Sections 4.2, 4.7 and 5.10

OBJECTIVE

Policy 5.8.1

Objective 5.8.1 - Efficient use and development of natural and physical resources

To provide for efficient use and development of natural and physical resources in the coastal marine area where adverse effects are avoided, remedied or mitigated.

Explanation - Efficient use encompasses a variety of components. It includes limiting the use of a particular resource so that it does not become overused and creating an incentive for other underused resources to be developed. Efficient use should consider the capacity of the coastal marine area to support activities without adversely affecting the characteristics that first attracted existing activities.

POLICY

Policy 5.8.1 - Efficient use and development of natural and physical resources

To recognise and have regard for the efficient use and development of natural and physical resources in the coastal marine area, while having regard to the finite character of some natural and physical resources.

Explanation - Efficient use embodies the principles of finiteness, renewability and scarcity.

Many natural and physical resources may have finite characteristics which are easily affected by various activities. Such finite characteristics are irreplaceable. The effects that an activity has on any finite characteristics must be carefully considered.

Any consideration of the finite nature of resources should include analysis of scarcity. An activity may be dependent on a specific combination of resources or environmental conditions that only occur in limited or scarce situations. Similarly, a resource may only occur, or be accessible, in a limited number of places. A resource may have scarcity value because of a lack of appropriate conditions elsewhere for the activity to occur safely or occur at all. In other instances, scarcity arises when there is competition for the same resources in a given area, and the demand exceeds resource availability.

If activities with more general requirements, in terms of resource combinations or environmental conditions, choose to compete with those activities with more specific needs, a scarce resource may become even scarcer. In some situations, competition for a site may result in the loss of some resources or opportunities. Examples may include: competition from other activities, in areas where there is a scarcity of safe mooring sites, competition from other activities that could preclude some recreational opportunities that are only available in that area.

In an area where the needs of many different activities can be met, there may be competition between different activities for the use of the area. Alternatively, there may be competition between like activities but due to the finite nature of the resource, there is insufficient to meet the needs of all resource users on a sustainable basis.

Consideration of renewability is another factor in defining whether a resource is finite. Some resources are renewed so slowly that they are effectively non-renewable. Use of these resources will inevitably lead to depletion. This means that if the resources are used now they will not be available for future generations. Rock or boulders are examples of what are effectively non-renewable resources in the coastal marine area.

The renewability of some resources depends on human management of those resources. For example, if extraction of sand occurs at a rate greater than the sand accretes then the resource will be depleted and other adverse effects, such as accelerated erosion, may result.

Part of the assessment of which activities allow the most efficient use of an area, is an evaluation of whether options for future use will be closed by a decision to allow a particular activity. This illustrates a concern for ensuring that the maximum public benefit is obtained from a resource, not only in the present but also in the future. This also forms the basis for the “use it or lose it” concept. The coastal marine area is public land, therefore it is not efficient use of that public land to restrict other activities or public access while a person with a preferential right to occupy the land does not exercise that right.

OUTCOME

The outcome expected from adopting the objective and policy listed in Section 5.8 is:

- 5.8.1 Natural and physical resources in the coastal marine area are used and developed efficiently, while adverse effects are avoided, remedied or mitigated.**

5.9 Trout and Salmon

“The protection of the habitat of trout and salmon” (Section 7(h)) is seen as mainly an inland water quality and habitat issue, not a coastal issue, although estuaries are a consideration. Estuaries fall within a continuum of trout and salmon habitats from the sea through to mountain streams. The estuaries of the four main rivers in Southland, being a source of sea run trout, add significantly to the sports fishery on those rivers. The sea run trout contribute to the gene pool of the trout fishery and provide the basis of “large trout” fisheries in the Oreti and Waiau Rivers. The Oreti headwater fishery is internationally renowned. The productivity of estuaries and their importance as marine fish spawning and juvenile rearing areas, and consequently as a trout food source, is noted in Section 6 of this Plan.

Fishery values, fish passages and habitat and estuaries are addressed in Sections 3 and 7.4.3. Therefore, it is not considered necessary to have specific policies on the protection of trout and salmon habitat in this plan.

5.10 Social, Economic and Cultural Issues

Many people in Southland are dependent on the coastal marine area for their livelihoods, both in a direct and non-direct manner. Fishing, ports and tourism are examples of industries that provide direct income as well as providing further employment opportunities in processing or through the “multiplier effect”. The provision of employment opportunities and the spending of money in the local community supports the continued existence of services and the general well-being of the community. However, if the resources of the coastal marine area are not managed sustainably, the long term viability of communities dependent on these resources, is threatened.

The coastal marine area has importance both socially and culturally. The cultural values that tangata whenua ascribe to the coastal marine area have been discussed in Section 5.6. The coastal marine area also holds cultural values for non-Maori Southlanders. These values originate from the historical association with the sea and with the traditions that have developed through use of the coastal marine area.

Links with the coastal marine area are obvious from a review of the region’s history. Southland’s first non-Maori occupants were sealers and whalers. Early towns in the region developed around or close to the sea. The sea provided important trading and communication links with the rest of New Zealand and the world.

Values associated with the coastal marine area change over time. Estuaries, for example, although considered as food baskets by tangata whenua, were seen as having little worth to non-Maori. Many were modified by reclamation and other development. Frequently, the coastal marine area was perceived as a cheap and easy option for disposing waste. As knowledge of the value and the interconnectedness of natural systems improved, these attitudes slowly changed. A change in attitudes and values will eventually result in changes to the management of the coastal marine area.

While the coastal marine area provides economic opportunities, it is also an important venue for leisure. The tradition of summers on the beach, catching or collecting seafood, beach fun-days, mid-winter swims, etc are all part of the Southland way of life. Some people feel a spiritual attachment to the area or are attracted to it by the natural character, intrinsic values or other values it has to offer. Many people specifically

choose to live near the coastal marine area. The coastal marine area is therefore an intricate part of the Southland way of life that combines economic, social and cultural factors.

ISSUES

Issue 5.10.1 - The natural values of the coastal marine area can be adversely affected by people and communities in pursuit of their social, cultural and economic well-being

See also Sections 3, 4.8 and 5.1

Objective 5.10.1
Policy 5.10.1

Issue 5.10.2 - Use of the coastal marine area is necessary to the social, cultural and economic well-being of people and communities

See also Sections 5.6, 7.3, 11 and 13

Objective 5.10.1
Policies 5.10.1, 7.3.2.11

Issue 5.10.3 - Some people wish to be buried at sea but such a practice is contrary to cultural values and can cause unnecessary problems if not undertaken properly

See also Section 5.6

Objective 5.10.2
Policy 5.10.2

Issue 5.10.4 - Some people who have a particular maritime connection wish to have their ashes spread at sea but this practice may cause offence to others

See also Section 5.6

Objective 5.10.2
Policy 5.10.2

OBJECTIVES

Objective 5.10.1 - Social, cultural and economic reliance on the coastal marine area

Policies 5.10.1 and 7.3.2.11

To recognise the need for social and economic utilisation of the coastal marine area in a manner that enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.

Explanation - The coastal marine area is a very significant resource that provides for the social, cultural and economic well-being of the people of the Southland region. There is considerable reliance on the coastal resources for employment, recreation and commerce, not only to Southlanders but all New Zealanders and overseas visitors. The coastal marine area is a source of opportunity for expansion of such activities.

Principles 1 and 2 of the New Zealand Coastal Policy Statement recognise that some uses and developments in appropriate places in the coastal environment are important to the social, economic and cultural well-being of people and communities. "The protection of values of the coastal environment need not preclude appropriate use and development in appropriate places" (Principle 2 of the New Zealand Coastal Policy Statement).

Objective 5.10.2 - Scattering of ashes in coastal waters and burial at sea

To avoid, remedy or mitigate adverse effects on cultural values from scattering of ashes in coastal waters and burial at sea.

Explanation - Providing for people's last wishes on the disposal of their ashes may involve cultural matters which need to be considered before ashes can be scattered or burial undertaken in coastal waters.

POLICIES

Policy 5.10.1 - Recognising the social, cultural and economic reliance on the coastal marine area

Recognise the importance of the coastal marine area for social, cultural and economic activities.

Explanation - The social, cultural and economic well-being of the community is derived, in part, from activities that take place in the coastal marine area. Social and cultural well-being includes recreational use and public enjoyment, amenity values, natural character, heritage and cultural values. Economic well-being includes providing services such as infrastructure, provision of employment, goods and services and the multiplier effect of spending resulting from these. Such well-being needs to continue and be provided for while recognising that the environment can be adversely affected to the detriment of social, cultural and economic use. Therefore, the coastal marine area and its wider environment needs to be sustainably managed to ensure that social, cultural and economic reliance on the coastal marine area can continue while avoiding, remedying or mitigating adverse effects on the environment.

Townships such as Oban, Riverton and Bluff, rely more than most on the coastal marine area for their social and economic well-being.

Policy 5.10.2 - Scattering of ashes and Burial at sea

Avoid, where practical, the adverse effects of scattering ashes and burial at sea.

Explanation - Scattering of ashes and sea burial is, in some circumstances, contrary to the cultural beliefs of Maori and it can give rise to adverse effects if caskets are not correctly weighted or if the casket either opens or ends up in shallow waters which may be dredged, dived upon or trawled within. The Council will seek to educate the public and relevant professionals, as to the potential adverse effects of scattering ashes and burial at sea in order to avoid adverse effects arising.

Sea burial beyond the coastal marine area, where waters are generally deeper, is managed by the Maritime Safety Authority. It will be necessary to consult with this authority before any such burials take place.

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 5.10 are:

5.10.1 The coastal marine area is utilised in a manner that enables people and communities to provide for their social, cultural and economic well-being and for their health and safety.

5.10.2 Any scattering of ashes or burial at sea will not cause offence.

5.11 Use of the Coastal Marine Area for Defence Purposes

In the past, the coastal marine area has been utilised for defence purposes. This includes activities that occur in a war time situation as well as exercises designed to prepare for such situations. The Resource Management Act 1991 does not apply to any work or activity of the Crown that the Minister of Defence certifies is necessary for reasons of national security. The certification process involves the need to determine that the security implications justify the exemption of the works.

Defence works that are not regarded as necessary for reasons of national security will need to consider their adverse effects. In some cases, it may be necessary for resource consents to be obtained for such works.

ISSUES

Issue 5.11.1 - The use of the coastal marine area for defence purposes can have adverse effects on the environment

Objective 5.11.1
Policy 5.11.1
Rules 5.11.1 and 5.11.2

OBJECTIVE

Objective 5.11.1 - Use of the coastal marine area for defence purposes

Policy 5.11.1
Rules 5.11.1 and 5.11.2

Use of the coastal marine area for defence purposes is recognised as nationally important.

Explanation - The coastal marine area can be used for defence purposes of national importance.

POLICY

Policy 5.11.1 - Use of the coastal marine area for defence purposes

Rules 5.11.1 and 5.11.2

Provide for the use of the coastal marine area for defence purposes.

Explanation - This Policy is required to give effect to Policy 4.1.5 of the New Zealand Coastal Policy Statement.

RULES

Rule 5.11.1 - Activities associated with defence purposes

Activities associated with defence purposes, other than structures, discharges, exclusive or preferential occupation, are a permitted activity provided that:

- i) the activity is conducted so as to ensure the following noise limits are not exceeded at any point at the landward boundary of the coastal marine area:

Table[n] Noise limits for temporary military training activities

Time on any day	L10 dBA	L _{max} dBA
0730 – 1800	75	90
1800 – 2000	70	85
2000 – 0730 the following day	55	75

- Provided the limits for impulsive noise arising from any use of explosives, ammunition, or pyrotechnics at any time, shall not exceed a peak non-frequency weighted sound pressure level of 122 dBC (peak);
- ii) the activity does not require earthworks or excavation to the seabed or foreshore;
 - iii) the activity has a duration of less than 31 days;
 - iv) the activity does not exclude public access from areas of the coastal marine area over 10 hectares or portions of the foreshore exceeding 316 metres in length.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 "Measurement of Sound" and NZS 6802:1991 "Assessment of Environmental Sound".

Explanation - The New Zealand Coastal Policy Statement requires coastal plans to provide for the use of the coastal marine area for defence purposes. Defence purposes are those in accordance with the Defence Act 1990. The use of the coastal marine area for defence purposes may result in the temporary exclusive occupation of the coastal marine area. The criteria for permitted activities have been designed to enable the New Zealand Defence Force to carry out temporary military training activities while ensuring that there are no significant adverse effects on the coastal marine area.

Rule 5.11.2 - Temporary military training discretionary activity

Except as provided for by Rule 5.11.1 any temporary military training activity is a discretionary activity.

Explanation - This rule enables proposals that do not comply with the conditions specified in Rule 5.11.1 to be considered through the resource consent process.

OUTCOME

The outcome expected from adopting the objective, policy and rules listed in Section 5.11 is:

- 5.11.1 The coastal marine area is used for defence purposes without restriction.

5.12 Emergency Situations

There are times when it is necessary, in order to save human lives, protect property or avoid damage to the environment, to undertake activities, actions or works that are contrary to rules contained in this Plan. Such a situation is recognised by Sections 18 and 330 of the Resource Management Act 1991.

Where emergency situations arise, it may be necessary to monitor changes to the environment or carry out remedial work to remedy or mitigate actual or potential environmental damage. As a consequence, it will be necessary to lodge a resource consent to enable these issues to be considered and if in any doubt people should discuss the issue with Environment Southland.

6 ESTUARIES

6.1 Introduction

An estuary is defined as the mouth of a river where tidal effects are evident and where fresh water and sea water mix. Within an estuary there are parts that are particularly marine in nature while there are others that are much more riverine. The area between these two extremes is a zone of transition within which there is a great variety of ecosystems which reflect their location within the estuary. Within each ecosystem, the values both in terms of people and vegetation and fauna differ. Estuarine ecosystems have extremely high natural values. They are highly productive and provide nursery habitat for a wide range of fish species including those of commercial value. They are sediment traps and their soft sediments provide habitat and food for migratory waders. Many species are dependent on estuaries for their survival. Many estuaries have suffered severe modification or are subjected to pollution. Also, estuarine ecosystems are very important to people for their amenity and recreational value.

Estuaries in the Southland region include the following areas:

- Kaipipi Bay
- Heads of some fiords
- Te Waewae Lagoon
- Jacobs River
- New River
- Waimatuku Mouth
- Bluff Harbour/Awarua Bay
- Waituna Lagoon (when open)
- Toetoes
- Haldane
- Waikawa Harbour
- Freshwater River
- Rakeahua River
- Albion Inlet, Port Pegasus
- Heron River
- Lords River
- Cooks Arm
- Mill Creek (Halfmoon Bay, Stewart Island)

In addition to these more obvious estuaries there are many other smaller areas which are estuarine in nature yet not recognised as estuaries.

(N.B. While the following Objectives and Policies are cross referenced to rules that specifically mention particular estuaries, general rules in other sections of the Plan. also apply to estuaries. Particularly relevant rules are found in the Sections listed in the “See also” reference.)

ISSUE

Issue 6.1.1 - The high recreational, ecological and visual amenity values of estuaries are particularly vulnerable to modification.

See also Sections 3, 6.2, 14, Appendix 4 and Appendix 5

Objective 6.1.1
Policies 6.1.1, 6.1.2, 6.1.3,
6.1.4 and 6.1.5

OBJECTIVE

Objective 6.1.1 - Maintain and enhance the natural values of estuarine areas

Policies 6.1.1, 6.1.2, 6.1.3, 6.1.4 and 6.1.5

To maintain and enhance the natural values of estuarine areas.

Explanation - Estuarine areas are under a number of threats. These include water quality (eutrophication; decreased biodiversity; high faecal coliform levels); reclamation for further development; and disturbance of estuarine margins.

Estuaries are important for breeding and feeding of migratory species, as well as indigenous species. They are unique to the coastal environment and are vulnerable to modification.

It is important to protect the natural character of estuaries, as they provide an often understated function in coastal processes, water quality, biodiversity and productivity. Estuaries are generally very accessible and relatively sheltered compared to open coastal waters. As such, they are important for active and passive recreation. They also include ecosystems of high intrinsic values. Policies 1.1.2(b) (iii), 1.1.2 (c) and 1.1.4 of the New Zealand Coastal Policy Statement are relevant to this Objective.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

POLICIES

Policy 6.1.1 - Uniqueness of estuarine ecosystems

Rules 5.3.8, 7.4.1.1, 11.7.1.2 and 11.7.2.1

To protect the uniqueness of estuarine ecosystems.

Explanation - Estuarine ecosystems provide habitat and breeding areas for a diverse and wide range of wildlife, both vegetation and fauna. Estuarine ecosystems also provide amenity and recreational values for people. These systems are unique because of the important part they play at the freshwater-saltwater interface. Hence, any change or modification of an estuarine ecosystem will affect people, vegetation and fauna, as well as coastal processes. The relative importance of estuaries is often undervalued and not recognised. Policy 1.1.2(c) of the New Zealand Coastal Policy Statement is directly applicable to this policy.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

Policy 6.1.2 - Productive value of estuarine ecosystems

To recognise the productive value of estuaries.

Explanation - On a hectare for hectare basis, estuaries are greater producers of biomass than areas of land. However, they represent a very small percentage of the coastal marine area. Estuaries are characteristically nutrient rich and shallow, but the advantages of this are often offset by high turbidity caused by adverse winds which severely reduces the depth of the euphotic zone.

See also Sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 7, 8, 9, 10, 11, 12, 14, 15

Rules 5.3.8, 7.4.1.1, 11.7.1.2
and 11.7.2.1

Policy 6.1.3 - Recognise and protect the values of estuaries

To recognise and protect the values that estuaries provide.

Explanation - Estuaries are quite different to other parts of the coast and as such provide different values. Apart from their habitat values, estuaries being generally shallow and relatively sheltered, are important recreational areas and potentially valuable for aquaculture.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

Policy 6.1.4 - Protect the cumulative habitat value of Southland estuaries

Protect the cumulative habitat value of the New River Estuary, Awarua Bay, Bluff Harbour, Jacobs River Estuary, Waituna Lagoon, Haldane Estuary, Waikawa Harbour and Toetoes Estuary complex to bird species.

Explanation - This estuarine complex represents the most southern extreme of the international range of 21 migratory waders from the northern hemisphere. Each estuary complements the other in a way that provides these species with some buffering from temporary adverse conditions, natural or otherwise. The value of the complex is greater than the sum of the individual parts. Collectively, they form the single most important bird habitat in Southland and are one of the five most important wading bird habitats in New Zealand, the other four being the Northland Harbours, Auckland Harbours/Firth of Thames, Farewell Spit and Lake Ellesmere.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

Rules 5.3.8, 7.4.1.1, 11.7.1.2
and 11.7.2.1

Policy 6.1.5 - The natural character of estuarine ecosystems

Maintain and enhance the natural character of estuarine ecosystems.

Explanation - Estuaries are vulnerable to modification and effects from use and development. The natural character of all estuarine ecosystems need to be maintained and enhanced where it has been degraded, for the benefit of future generations. This will retain the diverse range of values for the people, and vegetation and fauna of Southland.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

OUTCOME

The outcome expected from adopting the objective and policies listed in Section 6.1 is:

6.1.1 The natural values of estuarine areas are maintained and enhanced.

6.2 New River Estuary

ISSUE

Issue 6.2.1 - Past use of New River Estuary has resulted in considerable reduction of its amenity value and loss of public opportunity

See also Section 6.1

Objective 6.2.1
Policies 6.1.3 and 6.2.1

OBJECTIVE

Objective 6.2.1 - Maintain and enhance the values of New River Estuary

Policies 6.1.3 and 6.2.1
Rules 5.3.8, 7.3.5.2, 7.4.1.1,
11.5.1, 11.7.1.2, 11.7.2.1,
14.2.7, 14.2.8, 14.2.8 and
14.2.17

To maintain and enhance those values that contribute to the mauri of the estuary and provide for its use as:

- a a city playground
 - a family environment, picnics on the shore and swimming in sheltered waters; and,
 - a variety of water sports to be enjoyed in enclosed waters without the constraints of conflict or pollution.
- b a symbol for Invercargill
 - an introduction for visitors, good views for people driving to and from Otatara, the airport and Bluff; and
 - an estuary on display.
- c a significant habitat
 - where native species can exist alongside humanity;
 - a refuge for freshwater and marine species, and a spawning and rearing ground, and fish passageway;
 - a feeding and roosting area for birds including waders and waterfowl; and
 - sequences of vegetation including a nationally important maritime marsh to totara sand dune forest.
- d a retreat
 - a place for families to escape the pressures of the city;
 - an opportunity to experience a natural setting, where the estuary predominates as an ecosystem and human influences are unobtrusive; and
 - a place where tranquillity and nature replenish the soul.
- e a place of learning
 - where people can discover the heritage of Southland,
 - where people can gain an understanding of a natural unique ecosystem, the interface of land, sea and freshwater; and,
 - where, through research, a programme for restoration of the estuary can be developed.
- f a food basket
 - where there are no health risks from consuming the products of recreational fishing and shellfish gathering.
- g an opportunity for commercial use
 - allowing commercial uses which are in harmony with nature and other uses.
- h a place with historical and geological values
 - historical and geological values are located near the estuary shores throughout the area.

Explanation - There is a strong feeling that the New River Estuary has been mismanaged in the past. Too often it was considered disposable, either in terms of its area or water quality. Consequently, the estuary's natural values were overlooked in the process of providing a relatively low cost solution, in financial terms, to the short term social and economic needs of Invercargill City and outlying areas.

It is now felt that the remaining natural and cultural values of the estuary should be maintained and preferably enhanced, to make it a true asset to the Southland region, particularly to Invercargill City.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

Rules 5.3.8, 7.3.5.2, 7.4.1.1,
11.5.1, 11.7.12, 11.7.2.1, 14.2.7,
14.2.8, and 14.2.17

POLICY

Policy 6.2.1 - The natural character of New River Estuary
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To maintain and enhance the natural character of New River Estuary.

Explanation - Although New River Estuary is a modified ecosystem, it still retains a diverse range of values for the people and vegetation and fauna of Southland. These values need to be maintained and where natural character has been degraded, enhanced for the benefit of future generations.

See also Sections 5.1 – 5.7, 7, 8, 9, 10, 11, 12, 14 and 15

OUTCOME

The outcome expected from adopting the objective and policies listed in Section 6.2 is:

6.2.1 The natural values of the New River Estuary are maintained and enhanced.

7 COASTAL WATER

7.1 Introduction

Water is the major component of the coastal marine area. It provides for the cultural, social and economic well-being of the people of the region, and is the habitat that fauna and vegetation rely upon for their existence. As such, the coastal waters of the region are one of the most important natural and physical resources of Southland. Continued use of coastal waters is reliant on retention of high water quality.

The Resource Management Act distinguishes between coastal water and open coastal water. Coastal water refers to all the seawater within the coastal marine area. It incorporates seawater with a substantial freshwater component and includes estuaries, fiords, inlets, harbours and embayments. Open coastal water is the coastal water that is remote from estuaries, fiords, inlets, harbours and embayments. The coastal water included in those estuaries, fiords, inlets, harbours and embayments is not specifically defined in the Resource Management Act 1991 but is often referred to as enclosed water.

The coastal marine area of the Southland region contains 23,110 square kilometres of coastal water extending from mean high water springs to the seaward limit of the territorial sea, which is generally 12 nautical miles from shore. The region includes several groups of offshore islands, for example, Stewart Island, Ruapuke Island, Solander Island, North Trap and South Trap. The total area represents approximately one seventh of the total New Zealand coastal marine area. Southland's coastline is approximately 3,000 kilometres long, again approximately one seventh of the total New Zealand coastline.

With the exception of the Fiordland coast, most of the coastal area within the 12 nautical mile limit is shallow, with the sea floor gradually falling from the shore to a depth of about 200 metres. The shallow sea bottom is the continental shelf and its seaward margin is the continental edge beyond which the water becomes much deeper and light does not penetrate. The continental shelf comprises three per cent of the earth's surface and is the site of almost all the commercial fisheries and most other exploitations of the sea.

The coastal area of Southland also includes numerous estuaries and glacial-built fiords. Types of estuaries in Southland include the common coastal plain estuary and bar-built estuaries. The estuaries and the coastal waters that border the coastline represent a small proportion of the continental shelf, but it is here that the human activities have their greatest impacts. In this area, the nursery and fishing grounds of many commercially important species are found.

The most extensive areas of continental shelf area in the region are :

- i Foveaux Strait - with a depth generally less than 100 metres;
- ii Snares Shelf - to the south of Stewart Island, most of which lies outside of the 12 nautical mile limit.

Unlike the rest of New Zealand, the continental shelf along the Fiordland coast is exceedingly narrow, with most of the entrance sills of the fiords dropping away to the floor of the Tasman Basin at several thousand metres. The deepest section of the region is directly offshore of Dagg Sound where a depth of 4,000 metres is reached. Off the outer coastline of the southern fiords, the shelf broadens to a few hundred metres and merges with Foveaux Strait.

The warm waters of the subtropics and the cool Antarctic current converge within and to the south of the 12 mile limit. This has the effect of bringing cold nutrient-rich water to higher levels with increasing phytoplankton production and is a major contributor to the ecology of the waters of the region.

Current action, the predominantly south-westerly winds, storms, river outflows, activities on land, coastal erosion, and human activity, have an impact on the coastal waters of the region. Such is the variability that arises, it is difficult to study and predict changes to the coastal water quality of the Southland region.

Much of the Southland coastline is unaffected by human activity and as a consequence there are only a small number of point discharges into coastal waters. However, in some instances, for example, New River Estuary, the size and content of those discharges is such that coastal water quality is lower than desirable. Non-point discharges, for example, runoff from farmland and pollutants from urban areas, also degrade the coastal water quality.

There are four main methods available to the Regional Council for the management of coastal water quality:

- i Education
- ii Classification
- iii Resource Consents
- iv Standards

Monitoring is also important to ascertain the state of the coastal environment of Southland. It is also needed to assess the effectiveness of the methods outlined above.

No person may take coastal water unless it is for domestic or recreational uses, or fire fighting purposes, unless otherwise allowed by a resource consent or a rule in a regional coastal plan. No person may take, use, dam or divert open coastal water in a manner that contravenes a rule in a regional coastal plan, unless with existing use rights or allowed by a resource consent.

No controls are required on the taking or using of open coastal water because of the quantity available. Discharges into, damming or diversion of coastal water are, however, subject to the resource consent process unless otherwise provided for in a regional coastal plan.

7.2 Water Quality

7.2.1 Introduction

The quality of the coastal waters of Southland is generally high, but this is in part attributable to the influence of tidal mixing and ocean currents. In areas where these factors are missing and where human activity is present, for example, in some of the southern estuaries, water quality is low.

The composition of the coastal water is influenced by a number of different factors:

i Temperature

Temperature exerts a major influence on the coastal ecosystem. Many activities of animals are temperature controlled, for example, migration and spawning. Temperature alteration caused by discharges or changes in water flow patterns, is particularly critical in estuaries and coastal lagoons. Within the open coastal waters of Southland, water surface temperatures naturally vary between eight to seventeen degrees Celsius. The coldest waters in winter are near shore, but in summer these are the warmest. In some enclosed waters, temperature may vary more than open coastal waters. This is particularly relevant in shallow waters where the tidal variation in depth is a significant proportion of the total depth.

ii pH

The pH of seawater is normally between 8.0 and 8.3. The pH of estuarine waters is more variable than that of the open sea (7.5 - 8.4).

iii Dissolved Gases

All atmospheric gases, including the inert gases, are present in solution in seawater. Those of greatest importance to living organisms are oxygen and carbon dioxide, both of which occur in small quantities. Animals use oxygen and produce carbon dioxide, while plants use carbon dioxide and produce oxygen. There is a critical balance in the cycle between plants and animals that also involves the transfer of gases across the water surface to and from the atmosphere.

The concentration of oxygen dissolved in seawater is inversely dependent upon salinity and temperature, and is normally about 80 per cent of the concentration in the freshwater at the same temperature. In polluted estuaries, the concentration falls and may become anaerobic under extreme conditions. However, even within unpolluted estuaries, the decomposition of organic matter can produce local oxygen deficiencies in the bottom layers. Within coastal waters the oxygen content is generally around 8.5 milligrams per litre, with higher values occurring near the surface. For optimum ecosystem functioning coastal waters need a minimum of about 6 milligrams per litre dissolved oxygen. Oxygen may fall to unhealthy levels (less than 4 milligrams per litre) where sewage, industrial discharges or agricultural runoff, with high biochemical oxygen demand (BOD) and/or nutrients, enter confined coastal waters.

iv Salinity

Salinity is the commonly used parameter in assessing the dissolved solids composition of seawater. Generally, chlorine (55 per cent) and sodium (30 per cent) comprise the major component of this.

v Nitrogen and Phosphorus

Nitrogen and phosphorus are essential requirements for plants. Together with other trace elements they are commonly referred to as nutrients. The amount of plant growth within coastal waters is largely controlled by the availability of nutrients in the surface layers. Near the coast, levels of nitrogen and phosphorus can be high due to the stirring up of bottom sediments or to large amounts of nitrate and phosphate in river waters. Generally, productivity in the inshore coastal waters is limited by the availability of nitrogen. Excess nitrogen can cause nuisance growths of algae. However, once nitrogen is not limited, the influence of both temperature and light intensity as exacerbators should not be forgotten.

vi Dissolved Organic Substances

Dissolved organic substances from living and dead plants, micro-organisms and animals are present in the sea. They include carbohydrates, polysaccharides, fatty acids, amino acids and vitamins. Vitamin B for example, is very important for phytoplankton growth. The phytoplankton explosions called “red tides” kill many fish because of the release of poisonous external metabolites. Other plankton blooms that may be less obvious can also have deleterious effects on marine life.

vii Sunlight and Solids

Sunlight is the life giving force of the coastal ecosystem. It is the source of energy for the growth of plants, which in turn supply the nourishment to other coastal lifeforms. For the ecosystem to function well, sunlight must be able to penetrate the water to normal depths to foster the growth of attached seaweeds and phytoplankton.

Turbidity from suspended silt or from concentrations of organisms has a negative effect on the amount of plant growth than can occur in coastal waters. In this way, the growth of phytoplankton is self limiting, that is, as it becomes

denser the water becomes more turbid, decreasing the penetration of light into water. Where light penetration is blocked by silt or plankton, plant growth is limited. Estuaries are normally more turbid than ocean waters, being more silt laden and richer in nutrients and phytoplankton.

Light also affects the behaviour of many animals. For example, many predatory game fish are visual feeders and benefit from good light penetration. Conversely, the larval stages of many coastal fish seek refuge in estuarine waters to escape predators. Maintenance of the natural condition of water bodies in which the ecosystem has evolved is, therefore, of considerable importance. It is necessary to prevent the addition of silt that adversely affects light penetration and nutrient salts that stimulate excessive plankton growth.

Contaminants discharged to water can adversely affect seabed biota and/or can be built up in the water column and in the seabed too. These contaminants can be released at a later stage, for example, during turbid periods or dredging of the seafloor, which can reduce the quality of the water and adversely affect vegetation and fauna. In addition, there is a demonstrated propensity for some deposition to undergo biotransformation, or biodegradation, to yield more benign, or more aggressive contaminants. Some examples are production of hydrogen sulphide, methane and ammonia through anaerobic bacterial action and accumulated sediments.

viii Water Circulation

Water circulation patterns in estuaries, harbours and fiords have a great influence on the impact of discharges to water in these areas. The impact of discharges can be more pronounced in estuaries and fiords that have little flushing capacity or with circulation patterns that cause contaminants to accumulate. Conversely, where flushing capacity is high, the impact of discharges is decreased.

In considering water quality therefore, a number of factors, other than just the composition of the water, are of importance. It is necessary to consider the impacts on the matters noted above. Of these, the visual quality of the water is of prime importance.

7.2.2 Classification of Water

The Resource Management Act provides for regional councils to adopt classification as a method for the protection of water quality. This technique can set minimum standards for a defined area of water. Those standards, however, are relevant only in terms of the authorised discharges into the water. The classification does not mean that the waters will currently be of the standard specified, rather the standards are an end point that is sought, for which the waters are managed. A number of discharges into the coastal marine area do not require consent, for example, from non-point sources or from rivers. The quality of those discharges in some instances will be such that the applicable classifications will be breached. A process for considering the effects of non-point discharges is contained in the Regional Water Plan.

The Resource Management Act requires that any standards imposed through classification or through Section 107 of the Act be met “after reasonable mixing.” This implies the existence of a zone where underlying standards need not be met.

The size of the zone where the water does not meet standards depends on the:

- effluent flow rate and concentration;
- design of the outfall i.e. the way it is discharged into the water;
- depth, velocity and rate of turbulent mixing of the receiving water; and
- ambient concentrations in the receiving water.

The size of the zone, where the water does not meet standards, varies over time with variations in the factors listed above (derived from "Resource Management Ideas No. 10: 'Reasonable Mixing,' Ministry for the Environment"). Ambient water quality refers to the quality of the water before any discharge. The measurement of ambient water quality encompasses normal variation caused by seasonal, monthly, yearly or other natural fluctuations.

ISSUES

Objectives 7.2.2.1 and 7.2.2.2
Policies 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.2.3.1, 7.2.3.2, 7.2.3.3, 7.3.2.2, 7.3.2.4 and 7.3.28

Issue 7.2.2.1 - Additional background information on the Region's coastal waters needs to be gathered to facilitate decisions that will promote the sustainable management of those waters

See also Sections 7.2.3, 7.3 and 7.4

Objectives 7.2.2.1, 7.2.2.2 and 7.3.4.1
Policies 7.2.2.1, 7.2.2.2, 7.2.2.3 and 7.2.3.3

Issue 7.2.2.2 - Human activities can cause deterioration to water quality in areas that have a high ambient standard. In some coastal waters within Southland's coastal marine area, this has already occurred

See also Sections 7.2.3 and 7.3

Objectives 7.2.2.1, 7.2.2.2 and 7.3.4.1
Policies 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.2.3.3, 7.3.2.2, 7.3.2.8 and 7.3.2.13

Issue 7.2.2.3 - Deterioration in water quality can affect the viability of aquatic organisms and communities within the coastal marine area

See also Sections 3, 5.4, 7.2.3, 7.3 and 15

OBJECTIVES

Policies 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.2.2.4, 7.2.3.1, 7.2.3.2, 7.3.2.1, 7.3.2.2., 7.3.2.5, 7.3.2.6, 7.3.2.7, 7.3.2.8, 7.3.2.9, 7.3.2.10, 7.3.2.12, 7.3.2.13, 9.2.1
Rule 7.2.2.1

Objective 7.2.2.1 - Maintenance of coastal water quality

To maintain the quality of coastal waters in those areas where ambient water quality is suitable for:

- a contact recreation;
- b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;
- c the health and vitality of aquatic ecosystems; and
- d a fishery, including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination;

and except for the area described in Objective 7.2.2.3, to enhance the quality of coastal waters in areas where ambient water quality has been degraded, to a level which is suitable for:

- a contact recreation;
- b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;
- c the health and vitality of aquatic ecosystems; and

- d a fishery including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination by the year 2020.

Explanation - The value of being able to gather shellfish and swim in coastal waters is often not appreciated until such a time that the water quality degrades to the point where these activities can no longer be safely undertaken. The achievement of water quality that will allow for contact recreation and the consumption of fish and shellfish will also enhance other ecological and recreational values. For example, the experience of walking along the coastal margins will be enhanced by improved aesthetics and the increased diversity and population of birds.

Contact recreation and shellfish standards are parameters which address some forms of contamination but significant pollution can also occur without affecting these values, for example, nitrates and phosphates. In excess amounts, these contaminants will, however, impact upon aquatic ecosystems to the detriment of the overall mauri and health of a waterbody.

The practical effect of the above objectives and following policies is to require all waters of the region to be classified to protect the values the public places on coastal waters. Those values are principally the ability of coastal water to provide a healthy environment for aquatic life and to be used as a source of food for human consumption. A classification is an expression of the region's management objectives for its coastal waters. Objectives encompass effects of point and non-point source discharges.

In classifying the region's waters, the Southland Regional Council is mindful of Section 69(3) of the Resource Management Act which states that: *"Subject to the need to allow for the reasonable mixing of a discharged contaminant or water, a regional council shall not set standards in a plan which result, or may result, in a reduction of the quality of the water in any waters at the time of the public notification of the proposed plan unless it is consistent with the purpose of this Act to do so"*.

See also Sections 6 and 7.2.3

Objective 7.2.2.2 - Protect the natural state of some coastal waters

To protect the natural state of coastal waters wherever it is considered that they can be fairly described as being in their natural state.

Explanation - Much of the coastal water within the Southland region is considered natural notwithstanding the fact that it may now contain some marine organisms that only a few years ago did not, or were thought not to, exist. Where coastal waters are natural, the natural state should be recognised so that it can be preserved for the future. The practical effect of such an objective is to require such waters to be classified NS (Natural State) as is provided for by the third schedule of the Resource Management Act.

See also Sections 6, 7.2.3 and 7.3.3

Objective 7.2.2.3 - Enhancement of coastal water quality in Halfmoon Bay, Stewart Island

To enhance the quality of coastal waters in Halfmoon Bay, Stewart Island to a level which is suitable for:

- a contact recreation;
 - b the growth of shellfish, the human consumption of which is not limited by pathogenic or chemical contamination;
 - c the health and vitality of aquatic ecosystems; and
 - d a fishery, including aquaculture, the produce of which is not limited for human consumption by pathogenic or chemical contamination;
- by the year 2005.

Policies 7.2.2.2, 7.2.3.1, 7.2.3.2, 7.3.2.1, 7.3.2.2, 7.3.2.5, 7.3.2.6, 7.3.2.7, 7.3.2.9, 7.3.2.10, 7.3.2.12, 7.3.2.13 and 9.2.1
Rules 7.3.2.1, 7.3.2.2, 7.3.2.4, 7.3.2.7 and 9.2.1

Policies 7.2.2.2, 7.2.2.3 and 7.3.2.13
Rule 7.2.2.1

Explanation - Water quality in Halfmoon Bay has been adversely affected by past discharges into the bay. It is unlikely that a NS classification could be achieved in the bay during the life of this plan because of the level of stormwater contamination that continues to be discharged. However, water quality in the bay has improved since the sewerage scheme for Oban township became operational. Results from 1998/99 monitoring show that water in the bay now meets recreational bathing guidelines. The high use, particularly for fishing, the fish processing industry, and tourism value of this area justify giving priority to enhancing its water quality.

See also Sections 6 and 7.2.3

POLICIES

Policy 7.2.2.1 - Importance of fresh water

Avoid, remedy or mitigate adverse effects on the coastal marine area from any human alteration to the quality and quantity of freshwater entering the coastal marine area.

Explanation - Freshwater makes an important contribution to water quality, natural processes and ecosystems in the coastal marine area. Alteration of the quality and quantity of freshwater entering the coastal marine area can adversely affect estuarine and harbour flushing and ecosystems within the coastal marine area. For example, if a change to harbour flushing occurs there may be a change to the distribution of freshwater. The distribution of freshwater is also an important factor in the distribution and growth of phytoplankton which are a food source for marine organisms. This policy will have implications for any proposal to take, divert or discharge freshwater.

See also Section 7.2.3

Policy 7.2.2.2 - Natural state (NS) waters

Manage areas of water in the coastal marine area as Class NS Water (being water managed in its natural state) where:

- a** water in these areas has been identified as being, for the most part, unaffected by land use practices and
- b** is considered to be in its natural state (NS).

Explanation - Class NS Water is one of the classes described in the Third Schedule of the Resource Management Act 1991. This class is attributed to water being managed in its natural state. The inference is that the water is of a high quality. Much of the coastal water surrounding Southland is perceived to be of very high quality because it is largely unaffected by people's activities on the land or the sea. Any deterioration of high quality water, such as NS waters, should be prevented.

Policy 7.2.2.3 - Water quality standards in areas not in Natural State

Manage the coastal waters of Southland's coastal marine area which are not in their natural state (classified as NS) for the purposes of People and Aquatic Life (P & AL)

Explanation - The P & AL water classification is an amalgam derived from classes listed in the Third Schedule to form an appropriate standard for the majority of the coastal waters, in the Southland coastal marine area, that predominantly adjoin land developed by people. The classification is derived from the following classes of water in the Third Schedule of the Resource Management Act: F, FS, CR, SG, C and AE.

Policy 7.2.2.4 - Managing Waters for Cultural Purposes

Manage areas of water in the coastal marine area having regard to those characteristics which have a direct bearing upon cultural or spiritual values.

Explanation - Under the Third Schedule to the Resource Management Act 1991, waters may be managed for cultural purposes and waters may be classified for such purposes where cultural or spiritual values are specified for that area. Such values, including burial sites and traditional food gathering areas, are of particular significance to Maori, but other groups may also consider an area to have cultural or spiritual values. At this time, no group has identified, in a structured manner, the values that are of significance to them in the coastal marine area of Southland. However, where such values are identified and made known to the Council, then this is a matter that can be taken into account in assessing any resource consent under this section of the plan. At a later date, it may be appropriate, by way of plan change, to formally classify and manage areas of water for cultural purposes.

RULES

Rule 7.2.2.1¹ - People and Aquatic Life Water standards

Waters being managed for the purposes of People and Aquatic Life (P & AL) must meet the following standards, after reasonable mixing of any contaminant or water within the receiving water and disregarding the effect of any natural perturbations that may affect the water body:

- 1 the natural temperature of the water shall not be changed by more than 3° Celsius and the natural temperature of the water shall not exceed 25° Celsius;
- 2 any pH change and/or any discharge of a contaminant into water or water into water or onto the seabed shall not result in a loss of biological diversity or a change in community composition;
- 3 the concentration of dissolved oxygen shall exceed 80% of saturation concentration;
- 4 fish and other aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants;
- 5 there shall be no undesirable biological growths as a result of any discharge of a contaminant into the water;
- 6 aquatic life is not adversely affected by the taking of any physical, chemical or biological constituent from that water;
- 7 visual clarity shall not be diminished by more than 20 percent;
- 8 the water shall not be rendered unsuitable for bathing by the presence of contaminants;
- 9 the water shall not be altered in those characteristics which have a direct bearing upon cultural or spiritual values.

Except as provided for elsewhere in this plan, the discharge of any contaminant into water or water into water being managed for the purposes of People and Aquatic Life (P & AL) is a restricted discretionary activity.

¹ Changed by Environment Court Consent Order – Judge Jackson – 18 August 2004

Discretion will be restricted to the following:

- 1 the adverse effects of the discharge on any of the standards for water and seabed classified for the purpose of People and Aquatic Life;**
- 2 the size of the zone of reasonable mixing;**
- 3 the environmental effects and the practicality of alternative means of discharge, including discharge to land;**
- 4 monitoring requirements;**
- 5 the General Principles and Policies in the New Zealand Coastal Policy Statement relevant to the discharges to coastal waters.**

Explanation - The areas that this rule applies to are shown on Figure 7.2.2.1 and generally described as follows:

- in Milford Sound the inner part of the Sound to a line drawn between Williamston Point and Pater Point;
- in Doubtful Sound the inner part of the Sound to a line drawn between Espinosa Point and Joseph Point;
- in Halfmoon Bay the inner part of the Bay to a line drawn between Bragg Point and Fisherman Point;
- in Big Glory Bay the inner part of the Bay to a line drawn between co-ordinates 392499 and 407492 on map NZMS 260 E49;
- from Sand Hill Point to The Brothers Point extending 12 nautical miles from mean high water springs, including all harbours, estuaries and inlets.

In instances where discharges associated with specific activities are not the subject of other rules in this Plan, and a discharge is taking place into water classified People and Aquatic Life, then this rule shall apply and such discharges will require approval by way of a resource consent. In cases where other rules do apply and resource consent is required, the effect of any discharge will be assessed having regard to the classification of the waters in the receiving environment and the standards set out above.

The standards in the rule are derived from standards listed in the Third Schedule of the Resource Management Act 1991. The standards include those for:

- Class F Water (being water managed for fishery purposes) and
- Class FS Water (being water managed for spawning purposes).

and incorporate parts of the standards for:

- Class CR Water (being water managed for contact recreation purposes);
- Class SG Water (being water managed for gathering or cultivating of shellfish for human consumption);
- Class AE Water (being water managed for aquatic ecosystem purposes); and
- Class C Water (being water managed for cultural purposes).

Standards for visual clarity have been specified more clearly than in the Third Schedule's CR Water class. Visual clarity is measured using the black disc method. The standard applied for bathing for this classification states that the water should not be rendered unsuitable for bathing. Unsuitable in this context includes situations where the water is not suitable for bathing because:

- it has a noticeable odour;
- it is toxic to humans;
- it contains pathogens;
- it is eutrophic.

Additional standards have also been included in this classification relating to effects on aquatic life, biological diversity and community composition, recognising that it is the effects of discharges that are of significance under the Act.

In the absence of physical environmental effects, the level of contamination of the seabed, as referred to in Standard 2 of this Rule, shall be assessed having regard to the matters set out in Appendix 9 to this Plan. That appendix is from the draft national guidelines for sediment quality (ANZECC 1999). Two levels of contamination are identified. Below the lower level there is unlikely to be any biological impact on organisms, while above the higher level then it is very likely that adverse impacts will occur to organisms. The presence of levels of contaminants above the higher level would represent non-compliance with the standard. A presence of contaminants between the two levels may be toxic and further ongoing monitoring will be necessary. Any testing undertaken to determine compliance with the levels of contaminants referred to in Appendix 9 will also need to adopt the methodology outlined in the ANZECC guidelines.

The process for monitoring People and Aquatic Life classified waters for bathing will be undertaken in accordance with the procedures outlined in the Ministry for the Environment/Ministry of Health bacteriological water quality guidelines. The actions that will be taken if the waters are not suitable for bathing are outlined in the Monitoring, Response and Communications Plan for the management of waters used for marine and fresh water recreation and recreational shellfish gathering in Southland, which is updated annually.

See also Figures 7.2.2.1 and Sections 7.2.3 and 7.3

Rule 7.2.2.2² - Natural State (NS) waters

Waters being managed for the purposes of Class NS Water (being water managed in its natural state) must meet the following standards after reasonable mixing of any contaminant or water with the receiving water and disregarding the effect of any natural perturbations that may affect the water body:

1. the natural quality of the water and seabed shall not be altered;
2. the water shall not be altered in those characteristics which have a direct bearing upon cultural or spiritual values.

Except as provided for elsewhere in this Plan the discharge of any contaminant into water or water into water being managed for the purposes of Natural State (NS) is a restricted discretionary activity.

Discretion will be restricted to the following:

1. the adverse effects of the discharge on coastal waters and seabed;
2. the size of the zone of reasonable mixing;
3. the environmental effects and the practicality of alternative means of discharge, including discharge to land;
4. monitoring requirements;
5. **The General Principles and Policies in the New Zealand Coastal Policy Statement relevant to discharges to coastal waters.**

Explanation - *Areas to be managed for the purposes of Class NS water are illustrated on Figure 7.2.2.1*

In instances where discharges associated with specific activities are not the subject of other rules in this Plan, and a discharge is taking place into water classified Natural State (NS) then this rule shall apply and such discharges will require approval by way of a resource consent. In cases where other rules do apply and resource consent is required, the effect of any discharge will be assessed having regard to the classification of the waters in the receiving environment.

The effect of the NS classification is that outside of any zone of reasonable mixing there shall be no changes to the quality of coastal water or seabed.

² Changed by Environment Court Consent Order – Judge Jackson – 18 August 2004

It is difficult to absolutely state that any of the waters of the Southland region are as natural as they may have been 100 years ago. However, there are some waters that at this point in time are considered to be as natural as one could reasonably expect and for which there is no need to improve on the existing water quality. These waters include those where the quality of water is largely unaffected by the activities of people in nearby catchments or by the seawater flowing into an area via normal oceanographic currents. These waters have general water quality characteristics featuring low BOD (biochemical oxygen demand), nitrogen and phosphorous levels which are indicators of high water quality. For the intents and purposes of this Plan, the present state of these waters is considered to be natural and pristine.

It should also be noted that under the provisions of Section 107 of the Resource Management Act, the Council cannot consent to any discharge where, if after reasonable mixing, it is likely to give rise to any of the following effects in the receiving waters:

- a the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
 - b any conspicuous change in colour or visual clarity;
 - c any emission of objectionable odour;
 - d any significant effects on aquatic life;
- except where:
- i exceptionable circumstances exist; or³
 - ii the discharge is of a temporary nature; or
 - iii the discharge is associated with necessary maintenance work;
- and the activity is permitted by way of a coastal permit.

See also Figure 7.2.2.1 and Sections 7.2.3 and 7.3.3

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 7.2 are:

- 7.2.2.1 Water quality is maintained in coastal waters that are currently suitable for:**
 - i contact recreation;**
 - ii the growth of shellfish that is safe for human consumption;**
 - iii the health and vitality of aquatic ecosystems; and**
 - iv a fishery that is safe for human consumption when harvested;**
- 7.2.2.2 By the year 2020, the quality of contaminated water is improved so that it can be used for activities i to iv above.**
- 7.2.2.3 By the year 2005, the coastal waters in Halfmoon Bay, Stewart Island are suitable for activities i to iv above.**
- 7.2.2.4 The quality of water that is in its natural state is maintained.**

7.2.3⁴ Zones of Reasonable Mixing

Zones of reasonable mixing are areas of transition within which classifications do not apply. They are effectively zones of non-compliance. From a practical viewpoint, standards can only apply after reasonable mixing of any contaminant or water with the receiving water, disregarding the effect of any natural perturbation. The area within which this mixing occurs is called a “zone of reasonable mixing.” This “zone of reasonable mixing” provides for the mixing of discharges with coastal water. Some further mixing could still occur outside of the zone as long as the effects in Section 107(1) of the Resource Management Act 1991 do not occur and the relevant classification standards are met.

³ Amended as a result of the New Zealand Coastal Policy Statement 2010

⁴ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

It is not intended that the size of the zone of reasonable mixing be tailored to the volume and nature of the discharge, but rather that the volume and nature of the discharge fit the standards and criteria set out in the Plan. Zones of reasonable mixing can be applied to both point source discharges, for example, treated wastewater outfalls, or more diffuse non-point source discharges, for example, suspended fish or mussel farms.

In both cases, the zone of reasonable mixing depends on:

- the rate of discharge and concentrations;
- the physical configuration of the outfall or structure from which the discharge is emitted;
- the depth, current velocity and direction, and the rate of turbulent mixing of the receiving water; and
- ambient concentrations in the receiving water.

Generally:

- the size of the zone of reasonable mixing should be minimised;
- any breach of the classification standards shall be confined to within the zone of reasonable mixing; and
- any adverse effects within the zone of reasonable mixing should be no more than minor.

It is anticipated that the size of the zone of reasonable mixing can be controlled by the discharger altering the extent to which contaminants are discharged into the receiving environment. For example, a point source discharger may improve the level of treatment or mixing characteristics, and a farmer of shellfish may reduce the stock density.

It is also important to appreciate that a single discharge may have more than one zone of reasonable mixing. For example, a shellfish farm may have one zone of reasonable mixing for seabed impacts and another for water column impacts.

The location of the zone of reasonable mixing should also take into account the nature and degree of uses in that area.

POLICIES

Policy 7.2.3.1⁵ - Size of Zone of Reasonable Mixing

Minimise the size of the area where the relevant water classification standards are breached.

Explanation - Given that zones of reasonable mixing are effectively zones where the water quality management objectives cannot be met, it is desirable that the area of these zones is kept to a minimum if the objectives are to be viewed with any integrity. If zones of reasonable mixing become too large they effectively negate the classification of an area. The alternative of stating a maximum size for zones of reasonable mixing has been considered, but rejected for the reason that any stated size limit may be seen as acceptable for any type of discharge. Size has both vertical and horizontal components. Where it is not practical to adopt a zone of reasonable mixing of a small size, given the nature or volume of discharge proposed, then this is an issue that will be taken into account in determining whether approval should be given to allowing any discharge.

See also Section 7.2.2

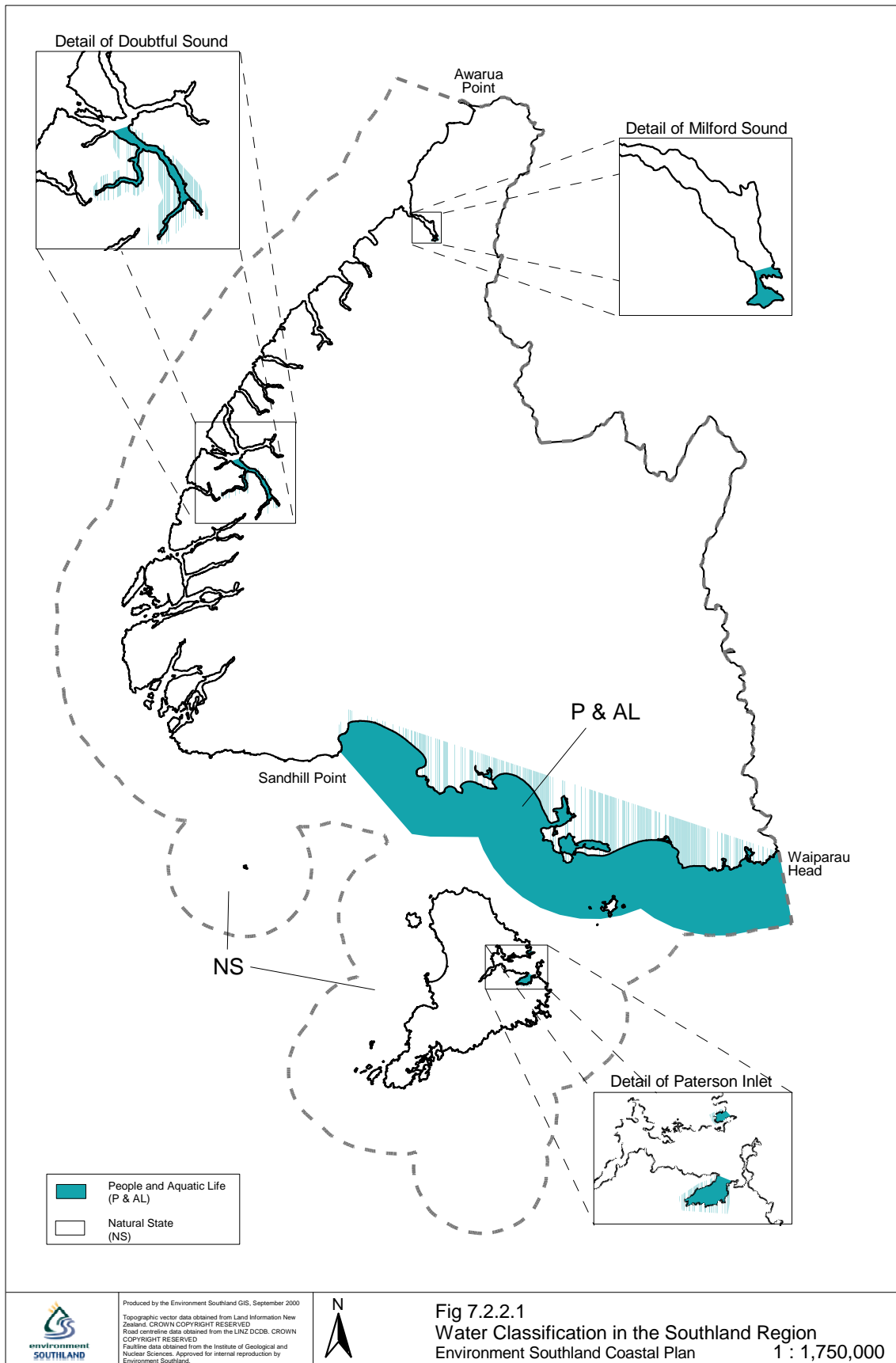
⁵ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

Policy 7.2.3.2 - Determining the size of zones of reasonable mixing

The area of any zone of reasonable mixing from any outfall or discharge activity shall be determined on a case by case basis.

Explanation - The size of zones of reasonable mixing will vary, and will need to be determined on a case-by-case basis. This is because of the number of variables involved, including hydraulic conditions and the nature of the discharge. The aim, however, should be to keep zones of reasonable mixing as small as practical.

See also Sections 7.3, 10, 18.6.4 and 18.7



Policy 7.2.3.3 - Use of diffusers

Promote where appropriate, the use of diffusers for discharges into the coastal marine area.

Explanation - Various techniques are available to dilute discharges, including dilution at the discharge point (mixing with “clean” water). The method preferred is the use of diffusers which eject the discharge into the water or air to maximise mixing. The use of diffusers reduces the impacts of discharges into the coastal marine area. Without diffusers, there would, in many instances, be a plume of concentrated effluent flowing from the discharge point, requiring a large zone of reasonable mixing.

See also Sections 7.3.4.1

OUTCOMES

The outcomes expected from adopting the policies listed in Section 7.2.3 are:

7.2.3.1 Minimal areas of non compliance with classification as the result of discharges.

7.2.3.2 Rapid mixing of contaminants to acceptable dilutions.

7.3 Discharges

7.3.1 Introduction

As noted in Section 7.1, the waters of Southland are one of the region's major natural and physical resources. The greatest threat to Southland's coastal water quality is from the direct and indirect discharge of contaminants, predominantly from land based activities, but also, to a lesser extent, from activities at sea. Such discharges include:

- raw or only partially treated sewage (from land and ships);
- wind blown matter;
- seepage from sewage disposal facilities on land (an issue which may affect the coast - see also Sections 18 and 20);
- seepage of leachate from landfills (an issue which may affect the coast - see also Sections 18 and 20);
- industrial discharges;
- ballast water;
- spills;
- surface runoff from urban areas and pastoral land, whether directly into coastal water or via a river or stream;
- marine farming wastes.

Some discharges have adverse effects that are negligible, or *de minimus*. Such discharges have no resource management significance and need not be recognised or provided for by the rules of this Plan. Some other discharges, when undertaken in an appropriate manner, result in adverse effects that are more than negligible but still no more than minor. Where such discharges and appropriate conditions can be identified, this Plan provides for those as a permitted activity. In other instances, this Plan considers specific activities, with the status of those activities dependent upon the degree of adverse effects that are anticipated. Where discharges are not part of any permitted activity, nor identified as part of an activity the subject of an explicit rule in this Plan, then Rules 7.2.2.1 and 7.2.2.2 will apply, and such discharges will require approval by way of resource consent.⁶

⁶ Amended as a result of the New Zealand Coastal Policy Statement 2010

While a number of these discharges relate to activities that take place on land, the fact that they result in discharges directly into the coastal marine area means that this Plan can provide for the manner in which those activities are undertaken.

A distinction needs to be made between land-based treatment methods and land treatment methods. The former encompasses treatment that is sited on land e.g. effluent ponds. The latter encompasses treatments that involve discharge directly onto or into land with the aim of immobilising contaminants or incorporating them into soil nutrient cycling. Both methods may be incorporated in one treatment system.

Contaminants also enter the coastal marine area from diffuse areas such as farmland, industrial estates or residential developments where surface runoff collects fertiliser, nutrients and other contaminants and washes them into coastal waters, or into rivers which then discharge to the coast. The management of these “non-point source discharges” is difficult, requiring a different approach to point source discharges. Some of these matters can only be dealt with in a coherent manner within regional plans relating to land management, district plans or by other methods, as they relate to widespread practices or result from discharges to the air.

Discharges that affect water quality will also impact upon fauna and vegetation. The consumption of contaminated seafood by people can then give rise to human health problems.

Policy 5.1.2 of the New Zealand Coastal Policy Statement gives a qualified direction that there should be no new discharges of human sewage into the coastal marine area. It is proposed, therefore, to adopt Policy 5.1.2 of the New Zealand Coastal Policy Statement.

Prior to the introduction of the Resource Management Act, provision was made for emergency discharges. It is proposed, as part of this Plan, to discontinue that practice, so that other options are adopted, for example, transport to other areas and seeking public co-operation to reduce the levels of discharges. So called “emergency discharges” could be the subject of a prosecution unless it can be shown that contingency plans, maintenance schedules, and work practices are such that all reasonable measures have been adopted to prevent or limit the effects of a spill. In the case of any negligence, a prosecution is likely to follow.

Most of this introduction has focused on the potential threat posed by discharges to the coastal marine area. However, it should be noted that in some cases discharges will be acceptable. The threats to coastal water quality need to be considered alongside the importance of the coastal areas for Southland infrastructure, economy and development. The appropriateness of a discharge into coastal waters will depend upon the effects of the discharge in comparison to other alternatives. If the contaminant is of a like nature to the receiving water and that water meets its classification, or if the contaminant is one which will have minimal effects, it is likely that the discharge will be acceptable. The values of the area need to be taken into account, but the discharge of a contaminant will not necessarily be incompatible with those values.

Discarding waste products of marine species from ships in the coastal marine area can adversely affect amenity and water quality. It can also adversely affect benthic ecosystems. Waste products of marine species are discarded from ships engaged in the catching or harvesting of marine species in the coastal marine area. Marine species include: fish, shellfish, echinoderms, for example kina, molluscs, for example octopus, and crustaceans, for example lobsters. Waste products include all the parts that are likely to be thrown overboard, rather than eaten, such as shells, skeletal material, viscera, or dead species caught unintentionally.

The Resource Management (Marine Pollution) Regulations control discharges from ships, aircraft and offshore installations into the coastal marine area, including oil, noxious liquid substances, treated and untreated sewage, garbage, clean or segregated ballast water and discharges as part of normal operations of a ship or offshore installation. The Regulations also control the dumping of waste and other matter into

the coastal marine area from ships, offshore installations and aircraft, and the incineration of waste, in a marine incineration facility in the coastal marine area. The Council considers that the Regulations are the appropriate mechanisms to manage these discharges from ships, and unless required by the Regulations no rules on these matters are included in this Plan. Although the Act does include some discretion to include additional rules in the Plan on matters such as sewage discharges from ships, the Council does not consider that this would be an effective or efficient means of managing the effects of such activities. Where the Council is of the view that the Regulations are not effective in managing the adverse effects of discharges from ships or offshore installations, it will advocate changes to the Regulations.
See Section 10.2

7.3.2 Discharges (Excluding Stormwater) from Land-Based Activities and Ships

ISSUES

Objectives 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.3.2.1, 7.3.5.1, 7.3.5.2, 7.3.7.1
Policies 7.3.2.1, 7.3.2.3, 7.3.2.5, 7.3.2.6, 7.3.2.9, 7.3.2.12
Rules 7.3.2.1, 7.3.2.2, 7.3.2.4 and 7.3.2.7

Issue 7.3.2.1 - Discharges of contaminants into the coastal marine area can have a range of environmental, social and cultural effects

See also Sections 4.1, 5.1, 5.3, 5.4, 5.6, 5.10 and 7.2

Objectives 7.2.2.1, 7.2.2.2 and 7.3.2.1
Policies 7.2.2.2, 7.2.2.3, 7.2.2.4, 7.3.2.2, 7.3.2.7, 7.3.2.8, 7.3.2.9, 7.3.2.12 and 7.3.2.13
Rules 7.2.2.1 and 7.3.2.1

Issue 7.3.2.2 - Discharge of human sewage into the coastal marine area is culturally and socially unacceptable and inappropriate. Sewage may contain pathogenic organisms such as viruses and bacteria. If treatment systems are inadequate, or if the sewage is not exposed to the treatment for sufficient time, these organisms may be introduced to shallow coastal embayments. This could pose a potential health risk to people who consume shellfish from the area or use these areas for recreational purposes

See also Sections 5.6, 5.10, 7.1 and 7.2

Objectives 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.3.5.2 and 7.3.7.1
Policies 7.3.2.1 and 7.3.2.3

Issue 7.3.2.3 - Systems designed to prevent contamination can fail and result in contamination of the coastal marine area

See also Sections 7.2.4, 7.3.5 and 7.3.7

Objectives 7.2.2.1 and 7.2.2.2
Policy 7.3.2.1

Issue 7.3.2.4 Seepage from landfills into the coastal marine area affects the quality of the coastal marine area

See also Section 20

Objectives 7.2.2.1, 7.2.2.2, 7.2.2.3, 7.3.5.1, 7.3.7.1 and 7.3.8.2.1
Policies 7.3.2.1, 7.3.2.3, 7.3.2.6, 7.3.5.1, 7.3.7.1, 7.3.8.2.1 and 7.3.8.2.2
Rules 7.3.8.2.1 and 7.3.8.2.2

Issue 7.3.2.5 - Contaminants can be discharged into the coastal marine area as a consequence of storage, transportation or handling of materials conveyed on, over or adjacent to the coastal marine area

See also Section 7.3.5

Issue 7.3.2.6 - The discharge of waste products of marine species from ships can result in the accumulation of these waste products on the foreshore. This detracts from the amenity of the area

Objective 7.3.2.1
Policy 7.3.2.14
Rules 7.3.2.3, 7.3.2.4, 7.3.2.5,
7.3.2.6, 7.3.2.7, 7.3.2.8 and
7.3.2.9

OBJECTIVE

Objective 7.3.2.1 - Effects on the amenity of the coastal marine area

Policies 7.3.2.1, 7.3.2.12 and
7.3.2.14
Rules 7.3.2.3, 7.3.2.4, 7.3.2.5,
7.3.2.6, 7.3.2.7, 7.3.2.8 and
7.3.2.9

To avoid adverse effects on the amenity of the coastal marine area caused by inappropriate discharge of waste products of marine species from ships in the coastal marine area.

Explanation - The objective is concerned with the discharge of discarded waste products of marine species, from ships in a manner where that waste is likely to accumulate:

- on the foreshore; or
- around public facilities, such as wharves; or
- in areas frequently used for surface water activities, particularly recreational activities.

The effect of such accumulation detracts from the amenity of the coastal marine area.

See also Section 5.3

Objective 7.3.2.2⁷ - Bluff Port Zone discharges

Policy 7.3.2.15
Rule 7.3.2.10

Provide an efficient and effective method of managing discharges of contaminants to water in the Bluff Port Zone, and onto land in the Bluff Port Zone in circumstances where they may enter water, that area incidental to:

- a) the loading, unloading, transport, conveyance and storage of cargo;
- b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure;

while ensuring that these discharge do not result in significant adverse effects.

Explanation – Activities that occur within the Bluff Port Zone are important to the Southland economy. However, many of the activities involved in the daily functioning of the port result in minor discharges to water that, unless otherwise provided for, would need a resource consent. These discharges may occur despite all practicable efforts to avoid or minimise them. Providing that the discharges do not and are not likely to result in significant adverse effects on the environment, including significant cumulative effects, it is appropriate to provide methods of management that provide an alternative to the need for the resource consents.

⁷ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

POLICIES

Rules 7.3.2.1, 7.3.2.3, 7.3.2.4,
7.3.2.5, 7.3.2.6, 7.3.2.7, 7.3.2.8
and 7.3.2.9

Policy 7.3.2.1 - Adverse effects of the discharge of contaminants

Avoid, remedy or mitigate the adverse effects of the discharge of contaminants into the coastal marine area of Southland.

Explanation - This policy includes discharges from ships and from land-based sources. It is recognised that in some cases discharges will be appropriate, especially if the contaminant is of a like nature to the receiving water and that water meets the classification, or if the contaminant is one which will have minimal effects. The definition of contaminant is wide and includes water into water. It also includes the discharge of solid natural materials and foreign substances into the coastal marine area. Although some discharges will have little chemical or biological effect, they may be unacceptable. As an example, many people believe that it is irrelevant that sewage is treated to a very high quality before it is discharged into the coastal marine area. For these people, the coastal marine area is a food basket, a place to recreate or a place of spiritual importance. The discharge of sewage into the coastal marine area is seen to be incompatible with these values. It would be remiss of the Southland Regional Council not to recognise that these values exist.

See also Sections 10.1 and 10.2

Policy 7.3.2.2 - Alternatives to discharges

Require alternatives to discharging to the coastal marine area to be considered.

Explanation - In order to ensure that consideration is given to avoiding discharging to the coastal marine area rather than remedying or mitigating the effects of the discharge, it will be necessary for applicants to examine alternative means of disposal, and in the case of an application to discharge, to demonstrate why these alternatives have not been adopted.

Rule 7.3.2.2

Policy 7.3.2.3 - Contingency plans to avoid, remedy or mitigate systems failures

Require all discharge permit applications to incorporate contingency plans to avoid, remedy or mitigate systems failures.

Explanation - When there has been a systems failure in the past, the practice has been to allow a discharge into the coastal marine area. This, however, should only be permitted if action is taken to reduce the volume of effluent, for example, through public co-operation and to transfer effluent to working parts of the system or to an alternative storage system. Failure to attempt to do so could result in prosecution.

Rule 7.3.2.3

Policy 7.3.2.4 - Effluent toxicity

Determine the toxicity of effluents and contaminants discharged from industrial and trade premises.

Explanation - Industrial and trade premises are a source of a multitude of contaminants. There is particular concern regarding substances that:

- i persist in the environment;
- ii are toxic or have other noxious effects such as producing obnoxious odours, or altering water quality consequentially lowering the biological quality of the water and
- iii have a tendency to bioaccumulate.

In some cases, the contaminants will be well known and their effects on aquatic life well documented. In other cases, particularly where there is a variety of waste streams contributing to the discharge, the composition of the discharge will vary. In such cases, it is possible for the toxic effect of the total discharge to exceed the toxicity of the contributing parts. In some cases, it may be necessary to undertake whole effluent toxicity testing to establish the overall toxicity of the effluent.

The overall toxicity of the discharge may also be affected by the composition of the receiving environment. For example, the toxicity of a discharge may be exacerbated or mitigated by the salinity, hardness or alkalinity of the receiving environment.

Policy 7.3.2.5 - Discharges of Noxious Liquid Substances and Hydrocarbons

Rule 7.3.2.1

Avoid, as far as practicable, remedy or mitigate the adverse effects of discharges of noxious liquid substances and hydrocarbons.

Explanation - The discharge of noxious liquid substances may pose threats to health and safety, amenity, natural character and biodiversity by causing undesirable changes in marine ecosystems. Of particular concern, are the cumulative effects of these substances.

Hydrocarbons are not usually discharged on purpose, although that is not always the case. Any facility that uses or stores hydrocarbons is a potential source of contamination. Hydrocarbons include a range of fuels including petrol, aviation fuel, diesel and heavier fuel oils. A spill of any of these fuels results in adverse visual effects at the very least while the more persistent fuels can damage vegetation, fauna and habitat. Sheltered or enclosed waters are particularly vulnerable to oil spills.

Policy 7.3.2.6 - Contamination from materials used in the coastal marine area

Avoid, remedy or mitigate the contamination of air, land and water from material stored, transported, handled or conveyed on, over or adjacent to the coastal marine area.

Explanation - Climatic factors, handling practices, accidental spillages and clean-up practices can all contribute to unnecessary discharges to coastal waters. Persons involved in the storage, transportation, handling and conveying, of materials, within the coastal marine area, should take into account their potential to act as contaminants. The adverse effects of discharging such materials into the coastal environment should be avoided, remedied or mitigated.

Sometimes contaminants can be unintentionally discharged into the coastal marine area when management practices fail to consider, in sufficient detail, the possible consequences of the way that materials are stored, transported, handled or conveyed on, over or adjacent to the coastal marine area.

Contaminants may be blown or washed into the coastal marine area from structures or ships. Contaminants may also be accidentally spilled into the coastal marine area either during the transport, handling or conveying of materials, or due to problems with storage facilities. Management practices need to consider possible scenarios for this type of discharge occurring and take measures to avoid, remedy or mitigate such discharges, particularly when designing new facilities or upgrading existing facilities.

See also Section 20

Policy 7.3.2.7 - Collection of Human Sewage from Ships

To require the provision of facilities to collect sewage from ships at all new ports and marinas where this is practical and where the collection, treatment and disposal of the sewage will not result in significant adverse environmental effects.

Explanation - Policy 5.2.2 of the New Zealand Coastal Policy Statement requires this Plan to consider this issue to a level and in a manner that is appropriate to Southland. It is desirable for sewage to be collected from ships and appropriately treated so as to avoid discharges within the coastal marine area. However, if connection to treatment facilities is not practical, or if the effects of collection, treatment and disposal could result in significant adverse environmental effects it could be inappropriate to require all new marinas or ports to provide collection facilities.

See also Sections 11.7.7 and 11.7.8

Policy 7.3.2.8 - Facilitate the Collection of Human Sewage

Facilitate territorial authorities, port operators, marina owners and the Department of Conservation to provide facilities to collect human sewage from ships using ports and marinas.

Explanation - If facilities can be established at ports and marinas for collecting human sewage it provides an alternative to discharging into the coastal marine area. However, it is recognised that the provision of collection facilities could give rise to significant adverse effects if there is nowhere to dispose this waste. Therefore, it is necessary for territorial authorities, the Regional Council, port operators, marina owners and the Department of Conservation to work together to provide for the collection, treatment and disposal of sewage from ships operating in the coastal marine area.

Where the facilities are available for public use, it is appropriate to consider a contribution of public funds to their construction. For example, it may be possible to obtain some funding assistance from money collected through the coastal occupation charges or financial contributions, within the area that needs a collection facility.

See also Sections 11.7.7 and 11.7.8

Policy 7.3.2.9 - Discharge of human sewage from land-based sources

The discharge of human sewage from land-based sources directly into coastal water, without passing through land, may occur only where:

- a it better meets the purpose of the Act than disposal onto or into land;
- b there has been consultation with the tangata whenua in accordance with tikaka Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and
- c there has been consultation with the community generally.

Explanation - This policy has been adopted to enhance water quality in the coastal marine area and to give effect to Policy 5.1.2 of the New Zealand Coastal Policy Statement. The discharge of human sewage directly into coastal waters is culturally abhorrent as well as environmentally unsound in many instances. Involvement of tangata whenua and the wider community in a consultative decision making process will help to determine the appropriate method of sewage disposal. Meaningful consultation will foster a sense of ownership of the chosen method.

Policy 7.3.2.10 - Treatment of discharges

Avoid, remedy or mitigate the adverse effects of discharges from land-based sources.

Explanation - Discharges of contaminants from land-based sources can result in changes to the physical, biological, or chemical condition of the receiving water. If these discharges must be made to the coastal marine area, their adverse effects must be avoided, remedied or mitigated. In order to do so, the contaminants or material containing the contaminants may require some form of treatment prior to discharge.

Where the discharge has passed through land before reaching the coastal marine area, the concentration and amount of contaminants may have been reduced.

Policy 7.3.2.11 - Manapouri Power Scheme

Recognise the national importance of the Manapouri Power Scheme and the need to undertake activities to ensure its continued efficient use and operation whilst avoiding, wherever practicable, remedying or mitigating any adverse effect of these activities on the environment.

Explanation - The Manapouri Power Scheme was established under the Manapouri Te Anau Development Act 1963 and currently contributes 13% of the nation's electricity. As such, it is a significant national resource located within the Southland region. Maintenance and other works will, from time to time, be required to maintain the functioning of the scheme and to take advantage of new technology which makes more efficient use of the water. In doing so, however, every endeavour should be made to mitigate adverse effects and, wherever possible, remedy effects on the existing environment.

Policy 7.3.2.12 - Discharges of human sewage and ballast water into coastal waters from ships

Rules 7.3.2.1, 7.3.2.8 and 7.3.2.9

Strongly discourage discharges of human sewage and ballast water into coastal waters from ships.

Explanation - The discharge of human sewage into coastal waters is culturally abhorrent to Maori and generally unacceptable to others.

The Marine Pollution Regulations 1998, however, provide for the discharge of sewage from ships and offshore installations, provided that the discharge is more than 500 metres from mean high water springs, 500 metres from a marine farm, and in water more than 5 metres in depth. Treated sewage, as defined in the Regulations, may also be discharged in any location, except within 100 metres of a marine farm. The Regulations also provide for the discharge of clean or segregated ballast water into any part of the coastal marine area.

This Plan cannot include any rules inconsistent with these Regulations. The Council will therefore adopt methods outside of the formal resource management framework to discourage the discharge of human sewage and ballast to coastal waters. This will include protocols with ships operators and advocacy to Government on the effectiveness of the Regulations in place. In doing this, Council recognises that some ships lack facilities for the storage of sewage requiring periodic emptying of tanks while at sea and in much of the region it is not practical to provide on-shore facilities in locations that are readily accessible to ships.

Policy 7.3.2.13 - Encourage the use of onboard sewage collection and treatment

Encourage the use of systems onboard ships for the collection, storage, treatment and transfer of human sewage to avoid, wherever practicable, mitigate or remedy the adverse effects of discharging sewage into the coastal marine area.

Explanation - The discharge of human sewage into coastal waters is culturally abhorrent to Maori and generally unacceptable to others. There are now many methods available for holding and/or treating sewage on board ships rather than discharging the effluent into the coastal marine area. Most ships have the capacity to install facilities for the storage of sewage. One option is to use holding tanks with disposal to shore treatment stations where these are available. This is not always practicable, at present, because there are few disposal sites available. Other systems include portable chemical toilets and systems that use seawater to produce hypochlorous acid to disinfect waste. The latter system requires a reasonable contact time to be effective. Correctly used all of the above systems should reduce the adverse effects of direct discharge.

Policy 7.3.2.14 - Effect of waste products of marine species on amenity

Prevent the amenity value of the coastal marine area around wharves and along the foreshore from being affected by the accumulation of waste products of marine species discharged from ships in the coastal marine area.

Explanation - The discharge of waste products of marine species into open coastal waters is normally not a matter of concern. However, there would be concern if these activities were undertaken in a manner that caused these discharges to end up on beaches or float around moored ships or wharves. This may also attract larger numbers of scavenging species.

See also Section 5.3

Policy 7.3.2.15⁸ - Bluff Port Zone discharges

Manage discharges of contaminants to water in the Bluff Port Zone, and onto land in the Bluff Port Zone in circumstances where they may enter water, that result from the following activities through specific agreements and supporting Codes of Practice:

- a) the loading, unloading, transport, conveyance and storage of cargo; and
- b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures, or any building, equipment, device or other facility attached to any structure.

Explanation – Within the Bluff Port Zone, incidental discharges to water can be a normal part of the activities described in this Policy. Such activities are an accepted part of the operation of the port. These discharges are expected to have no more than minor adverse effects. Except where these activities are likely to result in discharges that can have significant adverse effects, managing these discharges through a specific written agreement that is supported by a Code of Practice is an efficient alternative to resource consents.

⁸ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

RULES⁹

Rule 7.3.2.1¹⁰ - Application of Section 107(2) of the Resource Management Act

Any discharge to the coastal marine area in respect of which the applicant may desire to rely on Section 107(2), shall be a discretionary activity.

Explanation - Section 107(2) provides for the granting of a permit in exceptional circumstances, or where the discharge is of a temporary nature, or where the discharge is associated with necessary maintenance work, where, after reasonable mixing, the discharge is likely to give rise to any of the following effects in the receiving waters:

- i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;
- ii any conspicuous change in colour or visual clarity;
- iii any emission of objectionable odour;
- iv any significant effects on aquatic life.

See also Section 10.2.

Rule 7.3.2.2¹¹ - Discharge of human sewage

Any discharge of human sewage to the coastal marine area, except from ships and off shore installations, which has not passed through soil or wetland, shall be a discretionary activity.

Explanation - Land-based sewage without any treatment being discharged into the coastal marine area is culturally abhorrent and is detrimental to aquatic life. The discharge of sewage from ships and offshore installations is not dealt with in this rule, as it is an activity managed under the Marine Pollution Regulations 1998.

See also Section 10.2.

Rule 7.3.2.3 - Discharge of seawater from holding tanks for live marine species - Permitted

Discharge of seawater from holding tanks for live marine species into the coastal marine area is a permitted activity provided that the discharge complies with the following conditions:

- 1 concentration of BOD₅ in the discharge shall not exceed 5 g/m³ above intake concentrations;
- 2 where levels of suspended solids, ignoring natural perturbations, within the receiving water at the point of discharge are less than or equal to 10 g/m³, the concentration of suspended solid in the discharge shall not exceed 10/ m³ above intake concentration;
- 3 there shall be no discharge of wastes from tank cleaning operations or filter backwash water into coastal waters;
- 4 at a distance of 20 metres from the discharge there shall be compliance with standards set for water quality in the area where discharge will occur;
- 5 no artificial feeding takes place within the holding tanks;
- 6 no more than 500 cubic metres of water is discharged each day.

⁹ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹⁰ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004, and amended as a result of the New Zealand Coastal Policy Statement 2010

¹¹ Amended as a result of the New Zealand Coastal Policy Statement 2010

Explanation - Discharge from tank water will generally have little effect on the coastal marine area provided it meets the conditions outlined above.

See also Section 10.2.

Rule 7.3.2.4 - Discharge of seawater from holding tanks for live marine species – Restricted Discretionary

Except as provided for by Rule 7.3.2.3, the discharge of seawater from holding tanks for live marine species into the coastal marine area is a restricted discretionary activity.

The matters which the Southland Regional Council shall restrict its discretion to are:

- 1 the location of the discharge.
- 2 the size of the zone of reasonable mixing; and
- 3 monitoring requirements.

Explanation - Rule 7.3.2.3 specifies the conditions under which discharges from holding tanks for live marine species are acceptable. If those conditions cannot be complied with then it is appropriate for the effects of the discharge to be considered by way of resource consent.

See also Section 10.2.

Rule 7.3.2.5 - Discharge of dead farmed marine organisms away from the shore and internal waters

The discharge of dead farmed marine organisms into the coastal marine area where that discharge:

- i is not within internal waters; and
- ii is not within 1,000 metres of mean high water spring;

is a permitted activity.

Explanation - Accidents and natural events periodically necessitates the urgent disposal at sea of dead farmed marine species. However, the discharge of fin fish carcasses or other dead farmed marine organisms can result in material floating on the surface, suspended in the water column, depositing on the foreshore, depositing on the seabed and smothering vegetation and fauna, and emitting unpleasant odours. Such discharge may also attract predators. These discharges of dead farmed marine species should therefore only be permitted in open coastal water where its effects are minimised.

See also Section 10.2.

Rule 7.3.2.6 - Discharge of dead farmed marine organisms in internal waters or close to shore

Other than provided for by Rule 7.3.2.5, the discharge of dead farmed marine organisms into the coastal marine area, is a discretionary activity.

Explanation - An event such as an algal bloom can lead to the need for marine farms to dispose of whole fish or other farmed marine organisms that have died. In areas close to the shore or in the internal waters of Southland, as indicated on Figure 7.3.2.1, the discharge of fin fish carcasses or other dead farmed marine organisms into the coastal marine area can cause adverse effects. In this situation, a resource consent is required in order for the effects of the discharge to be fully assessed.

Contingency plans for the discharge of dead farmed marine species should be developed at the time of consent application, for marine farming. There should be no

need to dispose of farmed marine organisms at sea, in bulk, but where this is necessary then this is provided for by Rule 7.3.2.5. The resource consent procedure enables the adverse effects of the discharge to be considered. This includes an evaluation of whether any disease present in the remains could be contracted by other species that may come into contact with the remains. Any discharge of this type would also need to be evaluated along the same terms as the discharge of waste products of marine species described in the rules above. Such discharges should only occur when and where there is an appropriate tide and water volume to take the waste into open coastal waters to prevent it from being washed back onto the foreshore.

See also Section 10.2.

Rule 7.3.2.7 - Discharge of waste from land-based marine species processing factories

The discharge of waste into the coastal marine area from marine species processing factories located outside the coastal marine area is a discretionary activity.

Explanation - The discharge of effluent from land-based marine species processing plants, will be evaluated on a case-by-case basis. Discharge of this type of waste is a particular concern in areas with poor flushing or in areas that are already indicating symptoms of nutrient enrichment. It is considered particularly inappropriate to dispose of solid waste from this process into the coastal marine area where it could lead to the following adverse effects:

- floating or suspended waste;
- emission of objectionable odour;
- conspicuous change in the colour or visual clarity of the water;
- deposition of waste on the shoreline

This type of discharge can also lead to problems of enhanced enrichment and deposition, particularly in poorly flushed enclosed waters.

See also Section 10.2

Rule 7.3.2.8 - Discharge of waste products of marine species from the processing of marine species at sea - Permitted

The discharge of waste products into the coastal marine area from the processing of marine species at sea provided that such disposal does not lead to:

- 1 floating or suspended waste; or
- 2 emission of objectionable odour; or
- 3 any conspicuous change in the colour or visual clarity of the water; or
- 4 deposition of waste on the shoreline; or
- 5 deposition of waste on the seabed in volumes that smother vegetation and fauna

is a permitted activity.

Explanation - The discharge of untreated wastes from fish and other marine species is permitted provided that such discharges does not give rise to adverse effects described above. This rule does not include the disposal of marine farmed species.

See also Section 10.2.

Rule 7.3.2.9 - Discharge of waste products of marine species from the processing of marine species at sea - Prohibited

Except as provided for in Rule 7.3.2.8, the discharge of waste products into the coastal marine area from the processing of marine species at sea is a prohibited activity.

Explanation - Any discharge of marine species that does not comply with the Rule referred to above is likely to have significant adverse effects and should therefore be prohibited.

See also Section 10.2.

Rule 7.3.2.10¹² – Bluff Port Zone Discharges

Except as provided in Rule 7.3.2.1, 7.3.2.2, 7.3.5.1 and 7.3.5.2, within the Bluff Port Zone discharges of contaminants to water, and discharges of contaminants to land in the Bluff Port Zone in circumstances where they may enter water (whether directly or indirectly), arising from the activities described below, are a permitted activity provided that they are undertaken in accordance with a written agreement with Environment Southland.

The activities to which this Rule applies are as follows:

- a) the loading, unloading, transport, conveyance and storage of cargo; and
- b) the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure.

Explanation – Incidental discharges to water can be a normal part of the activities described in this Rule. A written agreement entered into with Environment Southland that addresses the issues with respect to most of the discharges arising from those activities is an efficient alternative to resource consents where the activities are undertaken in accordance with that agreement. The agreement is supported by a Code of Practice that addresses methods to minimise the discharges from the listed activities, at the site(s) the agreement applies to.

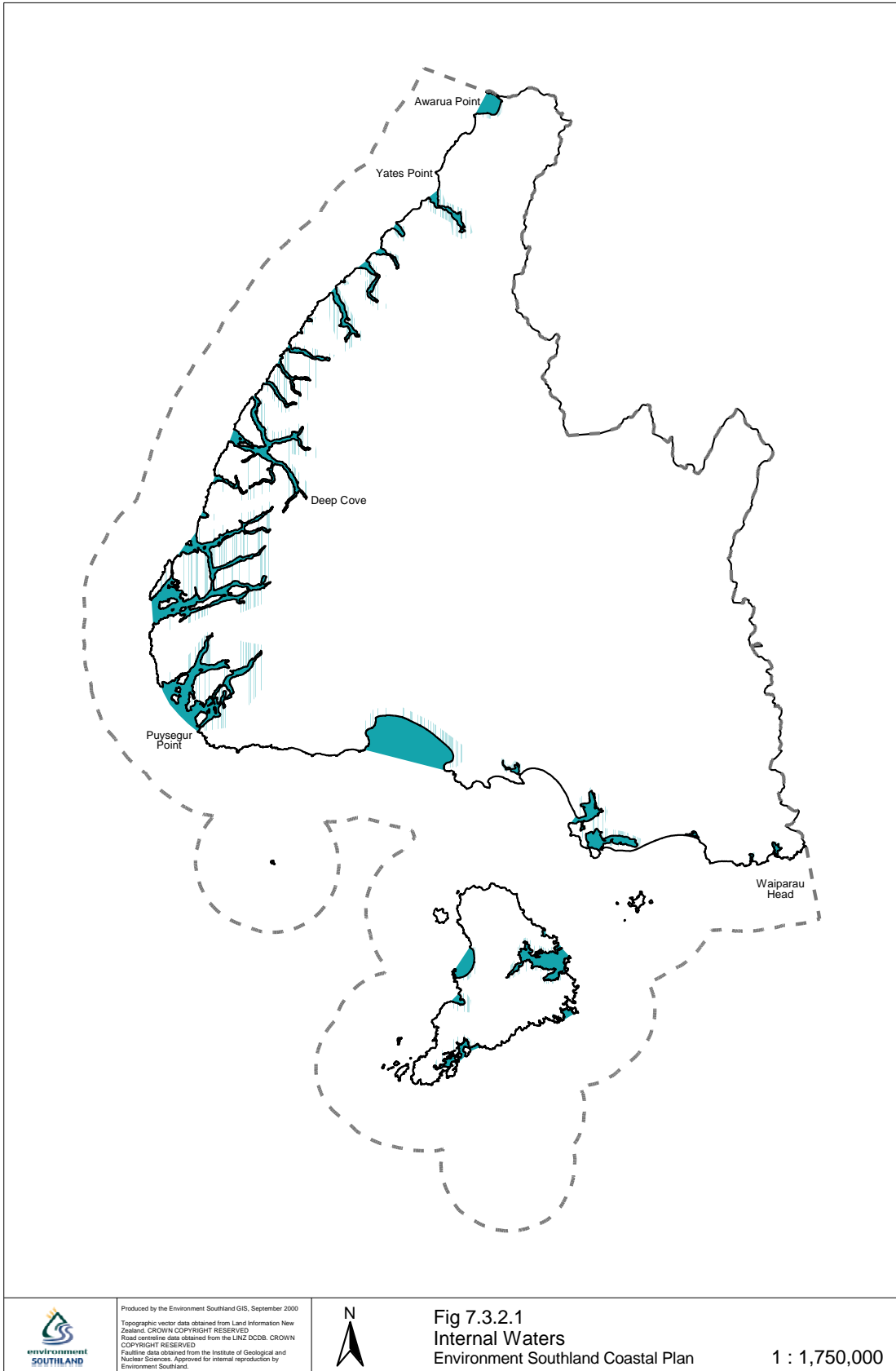
See also Section 10.2.

OUTCOMES

The outcomes expected from adopting the policies and rules listed in Section 7.3.2 are:

- 7.3.2.1 The adverse effects of discharges are avoided, remedied or mitigated.
- 7.3.2.2 No waste products of marine species discharged in the coastal marine area washes up onto the shore.
- 7.3.2.3 No waste products of marine species discharged into the coastal marine area will have significant adverse effects on ecosystems.

¹² Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004



7.3.3 Discharges (Excluding Uncontaminated Stormwater) into Natural State (NS) Waters

Waters classified NS are to be managed in their natural state, and for that reason, any discharges of contaminants into the coastal marine area will need to be avoided wherever practicable.

ISSUE

Objective 7.2.2.2
Policies 7.2.2.2 and 7.3.3.1
Rule 7.2.2.2

Issue 7.3.3.1 - Waters classified NS (natural state) are very vulnerable to any discharge of contaminants

POLICY

Policy 7.3.3.1 - Discharges from land-based sources into waters classified as NS

Prevent new point source discharges of contaminants, except uncontaminated stormwater, from land-based sources into waters classified as NS.

Explanation - NS areas are areas of principally very high water quality. As such, it would be inconsistent to provide for land-based discharges which jeopardise the ability to classify these waters as NS. The main reason for classifying these waters as NS is that they have been unaffected by human activities on land.

This Policy applies to discharges from land-based sources and is additional to the policies in Section 7.3.2.

See also Section 7.2.2

OUTCOME

The outcome expected from adopting the policy listed in Section 7.3.3 is:

7.3.3.1 Discharges into NS waters are managed to maintain the NS classification.

7.3.4¹³ Discharge of stormwater

Stormwater is surface water that is collected subsequent to rainfall and is discharged via a system of sumps, pipes and open drains, or discharged directly from surface areas into a natural watercourse or waterbody. Stormwater often contains a wide variety of contaminants that, in sufficient concentration and quantity, can cause significant pollution of receiving waters by degrading water quality and altering habitats and ecosystems. Those contaminants can be particularly concentrated with the first flush of rain.

¹³ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

The effects of stormwater runoff within urban areas on downstream environments, including areas within the coastal marine area, can be summarised as follows:

Hydrological Effects

- Increase in the amount of surface water runoff due to an increase in the amount of hard impervious surface
- Increase in runoff velocity which can then erode and transport more suspended particulate matter
- Decrease in groundwater storage
- More extreme hydrological conditions in waterbodies

Water Quality Effects

- Increased suspended solids loads resulting in downstream sedimentation
- Increased loadings of micro-organisms, some of which may be pathogenic
- Higher amounts of oxygen demanding substances
- Higher levels of nutrients which may promote eutrophication
- Increased concentrations of contaminants which may have toxic effects and/or bioaccumulate in organisms.

Ecological and Other Effects

- Erosion and disturbance of physical environment
- Watercourse instability
- Changes in ecology of waterbodies and estuaries
- Toxicity
- Bioaccumulation
- Public health effects

(Source: Adapted from: *An assessment of stormwater quality and the implications for the treatment of stormwater in the Auckland Region*. Auckland Regional Council, 1992)

It is recognised that while the discharge of contaminants via stormwater systems may not be desirable, given the reliance of urban areas on the disposal of stormwater through existing systems into the coastal marine area, it is a problem that will take some time to correct because it is not practical to suddenly alter systems that have been developed over many years. The introduction of contaminants into existing stormwater systems does, however, need to be reduced. New systems need to incorporate design features which will minimise the introduction of contaminants and maximise their retention if introduced. Such systems will produce a stormwater discharge of a quality much nearer the quality of the rainfall that creates the discharge than is often the case now. The introduction of contaminants into land based stormwater systems may be the subject of management by the Regional Water Plan or territorial authority Trade Waste Bylaws.

ISSUE

Issue 7.3.4.1 - Stormwater discharges often include a variety of contaminants which can affect water quality and ecosystems

See also Sections 7.3, 10 and 20

Objective 7.3.4.1
Policies 7.3.4.1, 7.3.4.2 and 7.3.9.1
Rules 7.3.4.1 and 7.3.4.2

OBJECTIVE

Objective¹⁴ 7.3.4.1 - Stormwater contamination

To ensure that stormwater-borne contaminants do not cause significant adverse effects on coastal water quality.

Explanation - While it is recognised that stormwater systems are needed to dispose of stormwater, new methods and practices need to be adopted to avoid the introduction of contaminants to such systems, because of the adverse effects that such discharges can have on the coastal environment.

Policies 7.2.3.3, 7.3.4.1, 7.3.4.2, 7.3.9.1 and 7.3.9.2
Rules 7.3.4.1 and 7.3.4.2

¹⁴ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

POLICIES

Rules 7.3.4.1 and 7.3.4.2

Policy 7.3.4.1 - Contamination of stormwater

Avoid, remedy or mitigate any contamination of stormwater that discharges into the coastal marine area.

Explanation - The contribution of reticulated stormwater systems to contamination of the coastal marine area has been ignored in the past. However, contaminants in stormwater are known to be a significant contributor to the total volumes of contaminants entering these waters. Contamination of stormwater needs to be avoided, remedied, or mitigated to maintain or enhance water quality. Stormwater can be a source of chronically toxic pollution by heavy metals, polynuclear aromatic hydrocarbons and toxic organics. Sewage can also be an intermittent pollutant in stormwater via leaks or if pumping stations break down and discharge raw sewage into drains that empty into the coastal marine area. It is recognised that there are existing stormwater systems which can contaminate coastal waters. These need to be monitored and altered appropriately to reduce their contaminant loading.

Stormwater contamination is a regional issue which extends well beyond the boundaries of this Plan. The Council will address this issue in greater detail in the Regional Water Plan.

Rules 7.3.4.1 and 7.3.4.2

Policy 7.3.4.2 - Adoption of appropriate practices

Encourage the adoption of best management practices to avoid the adverse effects of stormwater discharges.

Explanation – Runoff, or leakage into stormwater, may significantly contribute to contamination. Examples of potential contaminants that are washed or leak into stormwater include: cleaning agents, from automobile washing, residues from hydrocarbon spillages and, sewage as a result of leaks or breakdowns in the sewerage system and, chemicals and other waste from chemical spillage or use. On-site management practices can assist to a considerable degree in reducing the contaminant loading of stormwater discharges. Audits too can identify sources of contamination as well as opportunities of remedying or mitigating any contamination that takes place.

RULES

Rule 7.3.4.1¹⁵ - Discharge of stormwater - Permitted

Notwithstanding any other rule in this Plan, discharge of stormwater to the coastal marine area, is a permitted activity provided that at a distance of 50 metres from the discharge there shall be compliance with standards set for water quality and ANZECC sediment quality guidelines.

Explanation - While this Rule permits discharges that comply with water quality standards and ANZECC sediment quality guidelines 50 metres from the point of discharge, it does not remove the obligation imposed by Section 17 of the Resource Management Act 1991 (duty to avoid, remedy or mitigate adverse effects).

In the absence of physical environmental effects, the level of contamination of the seabed, as referred to in Standard 2 of Rule 7.2.2.1, shall be assessed having regard to the matters set out in Appendix 10 to this Plan. That appendix is from the draft national guidelines for sediment quality (ANZECC 1999). Two levels of contamination are identified. Below the lower level there is unlikely to be any biological impact on organisms, while above the higher level then it is very likely that adverse impacts will occur to organisms. The presence of levels of contaminants above the higher level

¹⁵ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

would represent non-compliance with the standard. A presence of contaminants between the two levels may be toxic and further ongoing monitoring will be necessary. Any testing undertaken to determine compliance with the levels of contaminants referred to in Appendix 10 will also need to adopt the methodology outlined in the ANZECC guidelines.

See also Section 10.2.

Rule 7.3.4.2 - Discharge of stormwater - Discretionary

Other than as provided for by Rule 7.3.4.1, the discharge of stormwater from a piped outfall, or piped stormwater system or any open drain other than a natural watercourse to the coastal marine area, is a discretionary activity.

Explanation - Stormwater drains are intended to collect and discharge stormwater, not waste. Any specific discharge of stormwater that does not meet the standards set out in Rule 7.3.4.1 should be treated like any other point source discharge.

Some contaminants will be absorbed or carried in suspension by water as it flows across the ground, both in urban and rural areas. Where the level of contamination is high it may be necessary to reduce the level of contaminants prior to the discharge of stormwater into the coastal marine area. However, in applying this rule it is recognised that some non-specific contamination may still occur as the result of the mobilisation of sediments and contaminants by the action of surface water flowing overland to sumps or direct to drainage channels.

Generally, the effects of such mobilisation are minor in isolation, but cumulatively such discharges are a very significant source of contamination. Discharges of contaminants onto or into land that may result in that contaminant entering a stormwater drain will be addressed by the Regional Water Plan.

See also Section 10.2.

OUTCOME

The outcome expected from adopting the objective, policies and rules, listed in Section 7.3.4 is:

7.3.4.1 All stormwater outfalls will meet the classification of receiving waters they discharge into.

7.3.5 Hazardous Substances and Hazardous Waste

Hazardous substances of all types are stored, transferred or transported within the coastal marine area. Under Section 12(3) of the Resource Management Act 1991, such activities may be undertaken without the need for a resource consent, unless they contravene a rule in this Plan. In that context, assessment of the effects of using, storing and discharging hazardous substances will generally be considered as part of resource consents for occupation, erection of structures and discharges.

[Side cross-reference - see also Section 9 Occupation]

The New Zealand Coastal Policy Statement also requires consideration by way of resource consents of proposals to store more than 50,000 litres of any petroleum, petroleum products, or contaminants within the coastal marine area.

Use of hazardous substances within the coastal marine area is generally confined to fuels, sprays for the control of unwanted or pest organisms and paints. It is necessary that the risk associated with the storage, use and transportation of hazardous substances is minimised.

Accidental discharges can occur at facilities where fuel is stored, arising from leaks at the facility, or during the transfer of fuel to and from the facility. This will require management within the coastal plan and district plans and also in oil spill response plans prepared as part of the New Zealand Marine Oil Spill Response Strategy.

The storage of hazardous waste in the coastal marine area appears unnecessary. Given the adverse environmental effects that could result if a leak or accident occurs, the use of facilities for the sole purpose of storage is inappropriate. Where hazardous waste results as a consequence of other activities taking place then provision should be made for its safe removal from the coastal marine area on a regular basis.

The Southland Regional Council will use procedures outside the Plan to ensure the sensible management of hazardous substances. This will include advocating for legislative changes.

ISSUES

Objectives 7.3.5.1 and 7.3.5.2
Policies 7.3.5.1, 7.3.5.2 and 7.3.5.3
Rules 7.3.5.3, 7.3.5.4 and 11.2.5

Issue 7.3.5.1 - The storage, use, discharge and transportation of hazardous substances and hazardous waste in the coastal marine area can give rise to the risk of considerable environmental damage

See also Sections 4.2, 9 and 11

Objectives 7.3.5.1 and 7.3.5.2
Policies 7.3.5.3, 7.3.5.4 and 7.3.5.5
Rules 7.3.5.1 and 7.3.5.2

Issue 7.3.5.2 - Management of "unwanted organisms" or "pests", as defined under the Biosecurity Act 1993, in the coastal marine area may require use of pesticides

OBJECTIVES

Policies 7.3.2.1, 7.3.2.3, 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 7.3.5.5
Rules 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 11.2.5

Objective 7.3.5.1 - Storage, use, discharge and transportation of hazardous substances and hazardous waste

To avoid, where practicable, any adverse effects resulting from the storage, use, discharge and transportation of any hazardous substances and hazardous waste within the coastal marine area.

Explanation - Due to its complex physical, biological and chemical nature, including tidal influences, the coastal marine area is particularly sensitive to discharges of hazardous substances and hazardous waste. The adverse environmental effects that could result from spillages or leakages of hazardous substances or hazardous wastes are potentially catastrophic, and such effects can spread over large areas once in water.

Policies 7.3.2.1, 7.3.2.3, 7.3.2.5, 7.3.4.2, 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 7.3.5.5
Rules 7.3.2.1, 7.3.2.4, 7.3.2.7, 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 11.2.5

Objective 7.3.5.2 - Accidental or deliberate release of hazardous substances

To ensure that there are appropriate documented procedures and equipment available to remedy or mitigate the adverse effects of any accidental or deliberate release of hazardous substances within or to the coastal marine area.

Explanation - Having the appropriate documented procedures and equipment in place ready for use at all times will help to ensure that quick and appropriate action will be taken to ensure that adverse effects of accidental releases will be kept to a minimum. Similarly, when hazardous substances are deliberately used in the coastal marine area, there needs to be procedures addressing such matters as buffer distances or wind strengths to ensure that unintentional adverse effects do not arise.

POLICIES

Rules 7.3.5.1, 7.3.5.3 and 11.2.5

Policy 7.3.5.1 - Avoiding adverse effects

Avoid, where practicable, adverse effects of the storage, use, discharge and transportation of hazardous substances and/or hazardous waste within the coastal marine area.

Explanation - The use and discharge of hazardous substances into the coastal marine area is at times beneficial, for example, where unwanted and pest organisms are being controlled. In other cases, authorised discharges can also result in low levels of hazardous substances entering the coastal marine area. In such cases, action should be taken to the extent that is practicable to avoid any adverse effects arising. Adverse effects from the storage of hazardous waste can be readily avoided by ensuring that the facilities used to store these wastes are not located in the coastal marine area. Storage in the coastal marine area can pose a significant risk to the environment if any leaks or accidents occur. The adverse environmental effects that could result are potentially catastrophic, and such effects can spread over large areas once in the water. Any storage of hazardous waste should occur in secure facilities on land. Where hazardous waste is the result of activities that take place in the coastal marine area then care is required in its handling, and provision should be made for its removal from the coastal marine area on a regular basis.

Certain industries and operators have developed Codes of Practice for managing the use, storage and transportation of hazardous substances. Where practicable, the Southland Regional Council will recognise these codes of practice and encourage their implementation. The codes are an effective means of avoiding the adverse effects of the storage, use, discharge and transportation of hazardous substances and/or hazardous waste within the coastal marine area.

Policy 7.3.5.2 - Coastal Permits

Rules 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 11.2.5

Consider the effects of the storage, use, discharge and transport of hazardous substances and hazardous waste as part of any resource consent to:

- **occupy the coastal marine area; and/or**
- **erect or use a structure; and/or**
- **discharge contaminants into the coastal marine area.**

Explanation - The effects of storing, using, discharging and transporting hazardous substances and hazardous waste are able to be assessed as part of the resource consent process where such a consent is required by the Act or this Plan. This process therefore removes the need to include a number of rules in this section of the Plan.

Policy 7.3.5.3 - Contingency and emergency response planning

Rules 7.3.5.1, 7.3.5.2, 7.3.5.3, 7.3.5.4 and 11.2.5

Encourage persons engaged in activities associated with hazardous substances in the coastal marine area to have contingency or emergency response plans.

Explanation - Because of the potential effects of a hazardous substance discharge, there is a need for a great deal of caution to be exercised during their handling, transportation, storage and use. A contingency or emergency response plan is designed to ensure that suitable emergency procedures are in place to either prevent an accident or pollution incident, or reduce the effect of any accident or pollution incident that occurs. Where resource consents are required and hazardous substances are involved, consent applicants should produce a contingency plan that addresses the local situation. Where no resource consents are required, possibly because the activity is authorised by other legislation, the Council will encourage the preparation of a contingency plan.

Contingency and emergency response plans should clearly identify measures undertaken to prevent an accident including: maintenance procedures, operator qualifications and experience as well as equipment design such as secondary containment systems. They should also specify responsibilities in the event of an accident or incident and include a communication plan that outlines the relevant authorities to be contacted as well as providing alternative plans for the storage of the hazardous substance.

Rules 7.3.5.1 and 7.3.5.2

Policy 7.3.5.4 - Chemical Applicators

Require the application of pesticides in the coastal marine area to be undertaken by registered chemical applicators or persons acting under their supervision.

Explanation - The need to control plant, animal or insect pests, particularly pest plants, in the coastal marine area is recognised. Equally, the potential effects of the misuse of pesticides and the potential effects of their use on other users need to be recognised and taken into account. For these reasons and for safety reasons, only registered chemical applicators, or those persons under the supervision of registered chemical applicators, are to be used for spraying operations.

Rules 7.3.5.1 and 7.3.5.2

Policy 7.3.5.5 - Applying pesticides to unwanted and pest organisms

Provide for the application of pesticides as a control method for “unwanted organisms” and/or “pests”, as defined by the Biosecurity Act 1993, in the coastal marine area.

Explanation - The Biosecurity Act 1993 provides for the identification of unwanted and pest organisms.

Under the Biosecurity Act 1993, an organism can be declared to be an “unwanted organism”. This declaration means that a chief technical officer, under the Biosecurity Act, believes that a particular organism is capable of causing unwanted harm to any natural and physical resources or human health. The Chief Technical Officer is appointed under Section 101 of the Biosecurity Act. The chief executive of a department recognised by the responsible Minister as having responsibilities for natural and physical resources or human health that could be adversely affected by an organism may appoint chief technical officers for the purposes of the Biosecurity Act. Once an organism has been declared an unwanted organism, all the provisions of Part VI, and in some circumstances Part VII, of the Biosecurity Act come into force in relation to that organism, this includes authority to control and/or eradicate the organism.

In addition, the issues of the control or eradication of pest organisms in the coastal marine area may be addressed through a pest management strategy. Any organism may be specified as a pest in a pest management strategy after analysis through the process of preparing such a strategy. A Minister of the Crown can notify a national pest management strategy and/or a regional council may include specific organisms in a regional pest management strategy if they are of the opinion that, among other things, the organism under consideration is capable of causing at some time a serious adverse and unintended effect in relation to New Zealand or the region respectively on one or more of the following:

- i economic wellbeing; or
- ii the viability of threatened species of organisms, the survival and distribution of indigenous plants or animals, or the sustainability of natural and developed ecosystems, ecological processes, and biological diversity; or
- iii soil resources or water quality; or
- iv human health or enjoyment of the recreational value of the natural environment; or
- v the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and Taonga.

RULES

Rule 7.3.5.1 - Use of pesticides

Except as is provided for by Rule 7.3.5.2, the discharge, whether by spray or otherwise, of pesticides by registered chemical applicators, and any associated wetting, antifoaming, antidrift and marker dyes, for the purpose of plant, animal or insect management, is a discretionary activity.

Explanation - It is recognised that there will be circumstances where the use of pesticides will be the most effective method for the control of plants, animals or insects in the coastal marine environment. It is also recognised that inappropriate use of these chemicals can cause harm to non-target species and can potentially affect other users of the coastal marine area. For these reasons, only registered chemical applicators or persons under their supervision will be permitted to undertake any spraying operations in the coastal marine area.

The effectiveness of this method of control needs to be considered alongside the effects on non-target species, their habitats and ecosystems, other users of the area, as well as the severity of the pest problem and the effectiveness of other methods of control.

See also Section 10.2.

Rule 7.3.5.2 - Discharge of pesticides for the control of “unwanted organisms” and “pests”

The discharge of pesticides and any associated wetting, antifoaming, antidrift agent and marker dyes, for use on “unwanted organisms” and “pests”, as defined under the Biosecurity Act 1993, is a controlled activity provided that the pesticide is applied according to manufacturer’s recommendations by, or under, the supervision of registered chemical applicators.

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

- 1 timing of the activity;
- 2 methods taken to avoid, remedy or mitigate the adverse effects of the activity;
- 3 mechanism used to discharge pesticides;
- 4 the pesticide used, with regard to its suitability for use in the coastal marine area;
- 5 any requirements to notify users or occupiers of that part of the coastal marine area and the public generally;
- 6 any monitoring requirements.

Explanation - The discharge of pesticides may be necessary to control “unwanted organisms” and “pests” as defined under the Biosecurity Act 1993. It is appropriate that unless otherwise provided for by the Biosecurity Act, the discharge of pesticides goes through an approval process with the Council. The discharge of pesticides often results in complaints by the public. It is therefore necessary for the Council to be aware that the activity is occurring so that it can ensure that any affected parties are contacted, that the proposed pesticide is appropriate for use in the coastal marine area, and so that it can respond to complaints.

It is often difficult to gain access to “pests” and “unwanted organisms” in the coastal marine area, for spraying, surveying and monitoring of the spraying activity. All terrain vehicles or hovercraft, for example, may be needed to undertake the work. This should be addressed at the same time as the application to discharge the pesticide.

See also Section 10.2.

Rule 7.3.5.3¹⁶ - Storage of more than 50, 000 litres of fuel or other hazardous substances

The erection of structures for the storage or containment of petroleum, petroleum products or liquid contaminants in quantities greater than 50,000 litres is a discretionary activity.

See also Sections 10.2 and 11

Rule 7.3.5.4¹⁷ - The discharge of explosive substances for Military Training

The discharge of explosive devices for the purpose of Military Training in Southland's territorial waters, excluding internal waters, is a permitted activity.

Explanation - Temporary military training activities in the coastal marine area may involve the use of hazardous substances including small arms or blank ammunition and fuel. Military training activities occurring in territorial waters outside internal waters are unlikely to conflict with other users or have significant adverse effects. However, where such activities occur within internal waters, the amenity of the area and the physical environment could be adversely affected, and it is appropriate in such circumstances to consider the activity by way of resource consent.

See also Section 10.2.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules, listed in Section 7.3.5 are:

- 7.3.5.1 Adverse effects from the usage, storage and transportation of hazardous substances and hazardous waste within the coastal marine area will be minimised.
- 7.3.5.2 Appropriate procedures will be put in place and equipment available to remedy or mitigate the adverse effects of any accidental release of hazardous substances and hazardous waste to the coastal marine area.

7.3.6 Dye-Testing

ISSUE

Issue 7.3.6.1 - Dyes are applied to effluent streams to determine:

- i how they mix with the receiving waters;**
- ii current patterns; and**
- iii the source of emissions.**

These dyes are a contaminant in that they change the visual character of the water

See also Section 5.3 and 7.2

¹⁶ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004, and amended as a result of the New Zealand Coastal Policy Statement 2010

¹⁷ Withdrawn in August 2001 by Chief of Defence RMA 1077/00

OBJECTIVE

Objective 7.3.6.1 - Dye usage for investigative purposes

Policy 7.3.6.1
Rules 7.3.6.1 and 7.3.6.2

To provide for dye usage for investigative purposes.

Explanation - It is recognised that to investigate the potential effects of a proposed activity, in the coastal marine area, it may be necessary to use dyes.

POLICY

Policy 7.3.6.1 - Use of non-toxic dyes

Rules 7.3.6.1 and 7.3.6.2

Provide for the use of non-toxic dyes for investigative purposes.

Explanation - This is usually of a low frequency, temporary nature, and involves the use of non-toxic material.

RULES

Rule 7.3.6.1 - Application of non-toxic dyes

The application of non-toxic dyes for investigative purposes is a permitted activity, provided that:

- 1 the dyes are used in accordance with manufacturers specifications; and
- 2 the Southland Regional Council is advised of the purpose of the use; and
- 3 the Southland Regional Council is advised of type, location, timing, and quantity prior to use; and
- 4 there are no adverse effects on vegetation and fauna.

Explanation - Notification is necessary because the use of dyes such as Rhodamine WT and Fluorescein sometimes give rise to complaints from the public and prior warning is required. Furthermore, the Regional Council may already have the information that the dye study seeks to determine.

See also Section 10.2.

Rule 7.3.6.2 - Discharge of dyes other than those in Rule 7.3.6.1

Other than provided for in Rule 7.3.6.1, the discharge of dyes is a discretionary activity.

Explanation - Some dyes used in the coastal marine environment can be toxic or carcinogenic. The necessity to use these dyes rather than a non-toxic alternative will need to be evaluated against the adverse effects the dye is likely to have on biota in the coastal marine area. Any potential effects on humans will also need to be evaluated. This rule also has the effect that if dyes are being used for other than investigative purposes that too will require consent.

See also Section 10.2.

OUTCOME

The outcome expected from adopting the objective, policy and rules listed in Section 7.3.6 is:

7.3.6.1 Dye can be used for environmental investigations within the coastal marine area without causing undue alarm or adversely affecting vegetation and fauna.

7.3.7 Oil Dispersants

Oil dispersants are surfactants that breakdown oil masses into small oil particles. Once particles of dispersant combine with particles of oil, the oil particle sinks and disperses within the water column eventually being deposited on the sea bed. Oil dispersants can reduce the visual and fouling effects of oil spills. However, they are contaminants in their own right and need to be used by people trained in their use.

ISSUE

Objective 7.3.7.1
Policy 7.3.7.1
Rule 7.3.7.1

Issue 7.3.7.1 - Dispersants which can be used to combat the adverse effects of oil spills have a degree of toxicity, and this can give rise to adverse effects within the coastal marine area

OBJECTIVE

Policies 7.3.2.1, 7.3.2.3, 7.3.4.2
and 7.3.7.1
Rule 7.3.7.1

Objective 7.3.7.1 - Use of oil dispersants

To ensure the use of oil dispersants does not give rise to adverse effects on vegetation and fauna.

Explanation - It is recognised that the use of oil dispersants may be an appropriate means of mitigating the adverse effects of an oil spill. Oil Spill Response is guided by national, regional and site specific plans prepared pursuant to the Maritime Transport Act 1994. Sections 467(b), 467(c) and 467(d) of the Maritime Transport Act specifically state that Sections 9, 12, 13, 14, 15, 15(1)(a), 15(1)(b) and 15(1)(c) of the Resource Management Act 1991 shall not apply to anything done on or on behalf of an on-scene commander, the master or owner of any ship, the owner or operator of any oil storage or oil transfer site or offshore installation, or the Director of the Maritime Safety Authority in respect of a marine oil spill. Therefore, there is no need for policies or rules in respect of dispersant procedures used by these people.

POLICY

Policy 7.3.7.1¹⁸ - Use of oil dispersants

Rule 7.3.7.1

Control the use of oil dispersants to manage adverse effects of an oil spill by persons other than those authorised by Section 467 of the Maritime Transport Act 1994.

Explanation - Oil dispersants can be an effective means of removing oil spilt on the surface of coastal waters when applied in accordance with preconceived plans or parameters. The dispersants themselves however, would in their own right normally be considered to be contaminants which could harm aquatic life. They therefore need to be applied selectively and only in areas where, on balance, their use is most likely to have an overall positive effect. Untrained applicators are unlikely to apply dispersant in an appropriate manner.

RULE¹⁹

Rule 7.3.7.1 Use of oil spill dispersants

The use of oil spill dispersants in coastal waters, by persons other than those authorised by Section 467 of the Maritime Transport Act 1994, is a non-complying activity.

Explanation - Dispersants act upon oil to break it into small particles which sink into the water column. In some situations, dispersants are an appropriate means of combating the effects of oil spills. It will be the responsibility of the on-scene commander, a qualified person appointed under the Maritime Transport Act 1994 to manage marine oil spills, to decide whether a particular oil spill warrants the use of dispersants. This person is trained to evaluate the situation and to act in a manner that minimises the risk to the environment. People acting under Section 467 of the Maritime Transport Act 1994 will either have received training or be acting under the direction of people who have received training.

See also Section 10.2.

OUTCOME

The outcome expected from adopting the objective, policy and rule listed in Section 7.3.7 is:

7.3.7.1 The use of dispersants on oil spills is efficiently and competently managed to minimise its adverse effects.

7.3.8 Discharges from other activities within the Coastal Marine Area

The discharges previously referred to in this section have concerned either:

- i specific discharges, that could be regarded as activities in their own right, or
- ii a specific contaminant discharged into the coastal marine area.

In addition, there are several types of discharges that occur incidentally to other activities. For the purpose of certainty and clarity these discharges are specifically addressed below.

¹⁸ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

¹⁹ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

7.3.8.1 Marine Farming Discharges

Salmon farms create discharges that differ from those at other sites. These discharges result from the effects of the deposition of fish faeces and uneaten food. Secondary effects occur through the process of biotransformation and decomposition. Biotransformation involves vegetation or fauna transforming contaminants to other forms that may or may not be more noxious. Decomposition, in some chemical conditions, produces further discharges that may be toxic, for example, methane and hydrogen sulphide gases.

A large component of fish food is nitrogen. Nitrogen is converted into nitrogen compounds, such as ammonia, during the decomposition process. Ammonia is a toxic substance. Chemical transformation can also occur. This involves a reaction either between the different chemical elements within the deposited material or between that material and the receiving environment. An example of this would be the effects that arise from an acidic effluent altering the pH within the vicinity of its release into the coastal marine area.

Another specific discharge of marine farming activities, is the discharge of waste products such as pseudo-faeces and shell. The effects of this type of discharge are twofold, effects on water quality and effects on the seabed. In moving from the growing area to the seabed, these discharges generally do not have significant effects on water quality. However, if the material accumulates on the seabed, processes of biotransformation and decomposition can adversely affect water quality. The effects on the seabed and associated vegetation and fauna are considered in Section 10.2.

While the concept of zones of reasonable mixing can be applied to marine farm discharges just as they can for other discharges, this does not mean that the size of the zone of reasonable mixing should be determined to fit any area of actual or potential degradation. In order to reduce adverse effects of marine farms, it may be necessary to investigate further means of reducing or removing sediments that accumulate under farm sites. However, it may also be possible to have different sized zones of reasonable mixing for different contaminants.

ISSUE

Policies 7.3.8.1.1, 7.3.8.1.2 and 10.2.2
Rule 7.3.8.1.1

Issue 7.3.8.1.1 - Some forms of marine farming result in discharges to water which can affect water quality

See also Section 7.2 and 15

POLICIES

Rule 7.3.8.1.1

Policy 7.3.8.1.1 - Feeding of farmed species

Encourage the efficient application of nutrients discharged to the coastal marine area as a food source.

Explanation - Unless food fed to farmed species is efficiently applied to target species, there is potential for surplus food to accumulate and decay, resulting in the depletion of dissolved oxygen and giving rise to other contaminants. Additionally, the volume of uneaten food could have a smothering effect on benthic vegetation and fauna. A nitrogen monitoring system is currently being used by some operators to manage appropriate quantities of food for the farmed species.

Policy 7.3.8.1.2 - Health product usage of farmed species

Encourage the efficient application of fauna health products (such as antibiotics and vitamins), for the target farmed species in the coastal marine area.

Explanation - Health products given to farmed species need to be efficiently applied to maximise consumption by these species and minimise deposition of the product. Unless this happens, there is potential for health products to accumulate, decay or be absorbed by indigenous vegetation and fauna in the area surrounding the farmed species. This could alter the natural functioning of the ecosystem of which the vegetation and fauna are part.

RULE

Rule 7.3.8.1.1 - Applying fauna health products and feeding of nutrients to vegetation and fauna

The application of fauna health products and the feeding of nutrients to vegetation and fauna within the coastal marine area, is a discretionary activity.

Explanation - Some forms of marine farming involve feed-stock and the application of antibiotics or other fauna health products. Where this occurs, there is a potential for uneaten food, fauna health products, and faeces to deposit and build up on the sea floor. This can give rise to adverse environmental effects upon biota immediately under the farm, and to other biota in the vicinity. Feed-stocks that contain nitrogen, or chemical additives for example: food colourings, microbial inhibitors, bulking agents, antioxidants are of particular concern in this regard. It is important to understand the fate of all contaminants in the marine ecosystem, including the persistence of the product and the effects it has in the receiving environment.

See also Section 10.2.

OUTCOME

The outcome expected from adopting the policies and rule, and methods listed in Section 7.3.8.1 is:

7.3.8.1.1 The application of feed and fauna health products to marine farm species is done efficiently without affecting ecosystems, indigenous vegetation and fauna.

7.3.8.2²⁰ Structure and Ship Cleaning, Maintenance and Repainting

The cleaning and repainting of structures and ships on land and within the coastal marine area can result in discharges to coastal water, antifoulants in particular, which lead to discolouration, deposition, and adverse effects on aquatic life. Structures, equipment, and ships that have been in coastal waters where invasive organisms are present pose a potential risk to the Southland coastal marine environment if these organisms, or viable parts of these organisms, have become attached to these structures, equipment, or the hulls of ships and then consequentially arrive in Southland without having been cleaned or disinfected before entering Southland's waters. Invasive organisms attached to these structures, equipment, or the hulls of ships can be discharged into the marine environment either accidentally, through spawning or being knocked off, or deliberately, through cleaning. To the extent that it is practicable, both deliberate and accidental discharges, including discharges from the cleaning and

²⁰ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

repainting of structures and ships on land and within the coastal marine area, should be avoided.²¹

ISSUE

Objective 7.3.8.2.1
Policies 7.3.8.2.1 and 7.3.8.2.2
Rules 7.3.8.2.1, 7.3.8.2.2,
7.3.8.2.3, 7.3.8.2.4 and
7.3.8.2.5

Issue 7.3.8.2.1²² - Maintenance and cleaning of structures and ships in the coastal marine area and on land can cause adverse effects on aquatic life by introducing contaminants, including unwanted and pest marine organisms

See also Sections 5.4, 11 and 20

Objectives 7.3.8.2.1 and 7.3.8.2.2
Policies 7.3.8.2.3 and 7.3.8.2.4
Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3,
7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Issue 7.3.8.2.2 - The unique habitats of the internal waters of Fiordland are particularly susceptible to invasive species that may arrive as hull attachments or on equipment or structures brought into these waters from other areas²³

OBJECTIVE

Policies 7.3.8.2.1 and 7.3.8.2.2
Rules 7.3.8.2.1, 7.3.8.2.2,
7.3.8.2.3, 7.3.8.2.4, 7.3.8.2.5
and 7.3.8.2.6

Objective 7.3.8.2.1 - Appropriate cleaning and maintenance of structures and ships

To provide for the appropriate cleaning and maintenance of structures and ships in the coastal marine area.

Explanation - Providing for appropriate cleaning and maintenance of structures and ships in the coastal marine area recognises that such activities need to be undertaken. However, care is required regarding where and how such cleaning and maintenance occurs to avoid, remedy or mitigate contamination of the coastal marine area. Even where purpose built facilities are used, such as at Bluff, care is required to avoid adverse effects arising.

Policies 7.3.8.2.3 and 7.3.8.2.4
Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3,
7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Objective 7.3.8.2.2 - Minimise risk of bioinvasion

Minimise the risk from hull cleaning, structure cleaning, and the introduction of invasive organisms from ships, structures, and equipment from outside this region.

Explanation - Ships, equipment, and structures that have been in coastal waters outside the Southland region have the potential to introduce invasive organisms into the Southland coastal marine area, if they are not appropriately cleaned before entering Southland waters. Of particular concern is the protection of sensitive and unique areas such as the internal waters of Fiordland. Where there is a known risk, for example, if a ship or structure is relocating to the Fiordland area from an area where there are known invasive organisms such as *Undaria*, measures should be taken to minimise that risk.²⁴

²¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

²² Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

²³ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

²⁴ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

POLICIES

Policy 7.3.8.2.1²⁵ - Use of antifouling chemicals

Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3, 7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Avoid, wherever practicable, remedy or mitigate the adverse effects of the use of antifouling chemicals on marine farming structures (including ropes, nets and cages).

Explanation - Antifouling chemicals affect aquatic life when discharged into the coastal marine area. Minimal use of such chemicals and the use of appropriate, will help avoid, remedy and mitigate the adverse effects that arise from marine farming activities.

Policy 7.3.8.2.2²⁶ - Contaminants from areas used for the cleaning, maintenance and painting of structures and ships

Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3, 7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Avoid, wherever practicable, remedy or mitigate the adverse effects of discharges of contaminants from areas used for the cleaning, maintenance and painting of structures and ships.

Explanation - Adverse effects can occur, where cleaning and maintenance methods result in antifouling being stripped from the structure or ships. Removal of marine growth could lead to the introduction of unwanted or pest organisms if the ship or structure has been operated outside the waters where it is being cleaned.

The introduction of organisms and the discharge of contaminants can be avoided by methods such as the use of tarpaulins to catch the debris for later removal to a landfill or appropriate slipway design where all contaminants are trapped in sumps.

Ships that have been moored in areas where Undaria, Asian date mussel and other unwanted or pest organisms are established, risk introducing these organisms into Southland waters. This risk can be reduced if the hulls of these ships are scraped prior to entering Southland waters.

Policy 7.3.8.2.3 - Hull cleaning of ships in the coastal marine area

Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3, 7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Provide for hull cleaning of ships in circumstances where materials containing bioaccumulative, toxic, or noxious substances or viable unwanted or pest organisms, do not enter or are not released into the coastal marine area.

Explanation - Boats are periodically cleaned to remove marine growths from their hulls, or other maintenance work is undertaken that has similar effects to those that occur during hull cleaning. Where this is undertaken with appropriate controls, the effect is insignificant. However, where there is the potential to discharge bioaccumulative, toxic, and noxious substances and growths of unwanted or pest marine organisms, this can have significant adverse effects, particularly where unwanted and pest organisms become established in Southland waters.

If a ship has operated inside the territorial waters of a foreign country or has spent time in New Zealand ports where unwanted or pest organisms are established, and has not subsequently cleaned its hull, potential exists for these organisms to be attached to the hull of the ship. This is particularly true if the ship has spent time in shallow coastal waters such as in ports or bays and coves. The waters of the Southland coastal marine area are relatively free of these types of organisms and it is important that this status is

²⁵Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

²⁶ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

maintained, if the highly significant areas of Fiordland, Rakiura/Stewart Island and the sub-Antarctic islands are to be protected from infestation.

Rules 7.3.8.2.1, 7.3.8.2.2, 7.3.8.2.3, 7.3.8.2.4, 7.3.8.2.5 and 7.3.8.2.6

Policy 7.3.8.2.4 - Cleaning of ships, structures, and equipment destined for the internal waters of Fiordland

Require that any ships to be used in commercial surface water activities, in Fiordland, and any structures or equipment that are to be erected or placed within the internal waters of Fiordland that have been in coastal waters in other parts of New Zealand or in foreign waters, be thoroughly cleaned and disinfected before entering, or being placed in, Fiordland's internal waters.

Explanation - Through hull cleaning or through the presence of organisms on ships, structures, or equipment that enter or are placed in coastal waters, a potentially invasive organism could be introduced to Fiordland's internal waters.

Fiordland is a globally unique environment. It has high value marine resources and biodiversity, including species found only in this part of the world. Many habitats are found at unusually shallow depths because of the influence of the freshwater layer in the fiords. The internal waters of Fiordland are particularly sensitive to the introduction of unwanted or pest organisms. It is appropriate to reduce the risk of the introduction of a potentially invasive organism being introduced to Fiordland, by thoroughly cleaning and disinfecting all ships that are to be used in commercial surface water activities and any structures and equipment that are to be erected or placed within the internal waters of Fiordland. This should be done before the ships, structures, or equipment that have been in coastal waters in other parts of New Zealand or in foreign waters, enter, or are placed in, Fiordland's internal waters.²⁷

RULES

Rule 7.3.8.2.1²⁸ - Cleaning, maintaining and painting of structures within the coastal marine area - Permitted

The cleaning, maintaining and painting of structures within the coastal marine area, provided that:

- a no discharge of paint or abrasive blasting materials containing bioaccumulating, toxic or noxious substances enters the coastal marine area; and
- b no viable unwanted or pest organisms are released into the coastal marine area

is a permitted activity.

See also Section 10.2.

²⁷ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

²⁸ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

Rule 7.3.8.2.2^{29 30 31} - Cleaning, maintaining and painting of structures within the coastal marine area - Controlled

Except as provided for by Rules 7.3.2.10 and 7.3.8.2.1, the cleaning, maintaining and painting of structures within the coastal marine area is a controlled activity.

The matters that the Council shall restrict its control to are:

- methods used;
- action taken to avoid, remedy or mitigate the effects of any discharges;
- position or disposal of cleaning materials, waste or marine growths; and
- any monitoring requirements that may be appropriate.

Any such application will be processed without notification and without the need to obtain the written approval of any person who may be adversely affected by the proposal.

Explanation to Rules 7.3.8.2.1 and 7.3.8.2.2 - The cleaning and repainting of structures in the coastal marine area can give rise to adverse effects. For example, removing paint from structures for the purpose of repainting can have adverse effects on the environment and on human health, particularly where they have previously been painted with lead-based paints. Antifoulant paints, whether copper-based, or of a base of lower toxicity or lower persistence, are also toxic to marine organisms. Some sandblasting compounds are high in silica and they can also give rise to adverse effects on people and marine life. Where unwanted or pest organisms, either vegetation or fauna are allowed to enter the coastal marine area they can colonise resulting in adverse ecological impacts. Where practicable, these effects should be avoided, but as it is frequently impossible to shift structures in the coastal marine area to land to enable them to be cleaned or painted, some discharges, deposition or disposal of wastes into the coastal marine area is likely. Where this includes materials containing bioaccumulating, toxic or noxious substances or unwanted or pest organisms that could establish within the coastal marine area then it is necessary to consider the methods used, action that can be taken to avoid, remedy or mitigate their adverse effects and any monitoring that may be appropriate.

While this activity has been addressed by rules, Council recognises that some education may be required, particularly where the practice is confined to only a small number of boats and structures per annum. This is also a matter that could be addressed by a code of practice to be prepared with fishermen and boat operators.

See also Section 10.2.

Rule 7.3.8.2.3³² - Hull cleaning of ships in the coastal marine area

Hull cleaning of ships within the coastal marine area , provided that:

- (a) no discharges of paint or abrasive blasting materials containing bioaccumulating, toxic or noxious substances enters the coastal marine area; and
- (b) no viable unwanted or pest organisms are released into the coastal marine area;

is a permitted activity.

See also Section 10.2.

²⁹ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

³⁰ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

³¹ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

³² Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

Rule 7.3.8.2.4^{33 34} - Hull cleaning of ships where materials containing bioaccumulative, toxic or noxious substances enter the coastal marine area

Hull cleaning of ships within the coastal marine area resulting in the discharge of paint or abrasive sand blasting materials containing bioaccumulating, toxic or noxious substances into the coastal marine area is a non-complying activity.

See also Section 10.2.

Rule 7.3.8.2.5³⁵ - Hull cleaning of ships where unwanted or pest marine organisms enter the coastal marine area

Hull cleaning of ships, where viable unwanted or pest marine organisms enter the coastal marine area, is a prohibited activity.

Explanation to Rules 7.3.8.2.3 – 7.3.8.2.5 - Boats are periodically cleaned to remove marine growths from their hulls or other maintenance work undertaken. Where this is undertaken with appropriate controls, the effect is insignificant. However, there is also the potential to discharge bioaccumulative, toxic and noxious substance and growths of unwanted or pest marine organisms. This can have significant adverse effects, particularly where unwanted and pest plants become established in Southland waters.

If a ship has operated inside the territorial waters of a foreign country or has spent time in New Zealand ports where unwanted or pest organisms are established, and has not subsequently cleaned its hull, potential exists for these organisms to be attached to the hull of the ship. This is particularly true if the ship has spent time in shallow coastal waters such as in ports or bays and coves.

See also Section 10.2.

Rule 7.3.8.2.6³⁶ - Port of Bluff Synchro-lift

Notwithstanding other rules in this Plan, the use of the Port of Bluff synchro-lift and any associated discharges to the coastal marine area, is a permitted activity, provided that:

- (a) no viable unwanted or pest organisms are released into the coastal marine area;
- (b) at a distance of 50 metres from the facility there shall be compliance with standards set for water quality in the area where discharge occurs.

Explanation - The Port of Bluff synchro-lift is an existing structure that has operated for a number years, used for the cleaning, painting and repairing of ships. The design of the synchro-lift and the manner in which it operates means that it is impractical to avoid all discharges into the coastal marine area. It is preferable, however, to continue to use this purpose built facility rather than have such activities undertaken in an unmanaged way. Care needs to be taken in its operation, however, and to ensure that no viable pest or unwanted organisms find their way into the coastal marine area and any discharges that do occur impact only on a small area. This rule is included because it would appear that the degree of any adverse effects of the use of the structure are no more than minor. It is also anticipated that activities taking place on the structure will be managed through a code of practice. If the degree of any adverse effects are greater than expected then amendment to the status of this activity may be warranted.

See also Section 10.2.

³³ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

³⁴ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

³⁵ Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

³⁶Reference by NZAS RMA 1077/00 was dismissed – 17 August 2004, Judge Jackson

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 7.3.8.2 are:

7.3.8.2.1 Contamination from the maintenance of structures and ships in the coastal marine area is reduced.

7.3.8.2.2 Minimising the risk of introducing unwanted or pest organisms to the coastal marine area of Southland as a consequence of cleaning the hulls of ships and structures.

7.3.9 Non-Point Source Discharges

Runoff from land into the coastal marine area, or into waterways or groundwater that discharges either directly or indirectly into the coastal marine area, carries contaminants. This type of discharge is referred to as non-point source discharge while discharge from a pipe into the coastal marine area is a point source discharge. The contaminants present will depend on the land management practices in the catchment area of the runoff. Runoff can contain high concentrations of sediments, organic matter, nutrients, bacteria and may contain toxic substances, oil and grease. The effects that these contaminants have on the coastal marine area will depend on their concentration but may include increasing the likelihood of algal blooms, accelerating sedimentation, affecting water quality and affecting the health of fauna and vegetation.

The New Zealand Coastal Policy Statement contains two policies that are pertinent to the approach taken by this Plan to non-point source discharges. Policy 3.2.7 states that:

“Policy statements and plans should identify any practicable ways whereby the quality of water in the coastal environment can be improved by altered land management practices and should encourage the adoption of these practices.”

Policy 5.1.6 states that:

“Consideration should be given to reducing any contamination of natural water in the coastal environment from non-point sources.”

ISSUES

Issue 7.3.9.1 - The discharge of nitrogenous and phosphate compounds into coastal waters can, under some conditions lead to eutrophication

See also Sections 6, 7.2 and 7.3.4

Objectives 6.1.1 and 7.3.4.1
Policies 7.3.9.1 and 7.3.9.2

Issue 7.3.9.2 - The increased suspended solid loads of non-point source discharges tend to be deposited in estuaries. The resultant sediments can adversely impact upon biota and water clarity. They may also contain toxic substances and clog waterways reducing navigability

See also Sections 6, 5.4, 7.2 and 11

Objective 7.3.4.1
Policies 7.3.9.1 and 7.3.9.2

Issue 7.3.9.3 - Non-point source discharges can adversely affect amenity values and the quality of the environment within the coastal marine area

See also Section 6, 5.3 and 7.2

Objectives 5.3.1 and 7.3.4.1
Policies 7.3.9.1 and 7.3.9.2

POLICIES

Objective 6.1.1
Rules 7.3.4.1 and 7.3.4.2

Policy 7.3.9.1 - Non-point source discharges

Avoid, remedy or mitigate the adverse effects of non-point source discharges on coastal water quality.

Explanation - It is recognised that the problem of non-point source discharges can not be solved overnight. A long term strategy is required. Regulatory methods are seen as inappropriate at this time. To some extent, environmental audits of non-point sources, such as farmland and industrial sites, are beginning to occur now through landcare groups, farm advisors, environmental farm plans, industry oriented codes of practice, ISO accreditation and increased managerial awareness of the potential adverse effects of their activities on the environment and their responsibilities in respect of those effects. The resource consent process is a process by which this Plan can directly address potential non-point source discharges from activities occurring within the coastal marine area.

The proposed Regional Policy Statement for Southland states that regional plans be prepared to manage the adverse effects of both point and non-point source discharges on water quality. For further information on how the effects of land use activities on water will be avoided, remedied or mitigated, refer to the Effluent Land Application Plan and the Water Plan for the Southland region.

Policy 7.3.9.2 - Non-point source discharges strategy

Develop a strategy to avoid, remedy or mitigate the effects of non-point source discharges of contaminants into the coastal marine area.

Explanation - New Zealand Coastal Policy Statement Policies 5.1.6 and 3.2.7 require that consideration is given to ways of improving coastal water quality by encouraging the adoption of land management and other practices which reduce non-point source discharges. An integrated strategy is required that addresses non-point source contamination directly into the coastal marine area and via the freshwater system. This strategy should:

- 1 target the sources of contaminants that are of concern;
- 2 identify people, industries and organisations that can influence and control these sources;
- 3 provide and facilitate:
 - increased knowledge and awareness regarding cause and effect between activities, the targeted contaminant and the quality of the coastal marine area;
 - develop necessary skills and expertise to address the challenge that avoiding, remedying or mitigating the adverse effects of non-point source;
 - discharges of contaminants represent;
 - foster attitudes, motivations and commitments to make informed decisions and take responsible action to avoid, remedy or mitigate the adverse effects of non-point source discharges of contaminants.

This process will identify the most appropriate methods for each situation. An example of a non-regulatory method is identifying, promoting and facilitating the use of Best Management Practices for activities to reduce the amount of contaminants getting into the coastal marine area through overland water flow.

OUTCOME

The outcome expected from adopting the policies and rule listed in Section 7.3.9 is:

7.3.9.1 Adverse effects from non-point source discharges of contaminants into the coastal marine area are avoided, remedied or mitigated.

7.4 Taking, Using, Damming and Diversion of Water

7.4.1 Taking Water

Section 14 of the Resource Management Act restricts the circumstances where water in the coastal marine area may be taken, used, dammed or diverted.

Open coastal water, being water that is remote from estuaries, fords, inlets, harbours and embayments, may be taken, used, dammed or diverted for any use unless a rule in this Plan states otherwise. There appears little reason to control such matters.

Coastal water, other than open coastal water, may be taken, used, dammed or diverted for domestic or recreational needs, or for fire-fighting purposes. It is not allowed to be taken for any other purpose, unless provided for within this Plan, or approved by way of a resource consent.

Taking of water from intertidal areas and estuaries could give rise to adverse effects where the amount taken could conceivably represent a significant proportion of the flow at certain stages of the tide and therefore needs to be managed. Taking of freshwater for the purpose of providing a domestic water supply for ships is permitted by virtue of Section 14(3)(b) of the Resource Management Act provided the bed of the watercourse is not disturbed or dammed.

Where water is taken, there may be a requirement to erect structures in the coastal marine area, disturb the seabed for laying of pipes, and also to discharge back into the coast. All of these activities are covered by other provisions within this Plan.

ISSUE

Issue 7.4.1.1 - Coastal water is required for a range of activities, including industrial uses, ballast water, cooling water and marine farming, but this use can adversely affect the life supporting capacity of ecosystems

See also Sections 7.2 and 15

Objective 7.4.1.1
Policies 7.4.1.1 and 7.4.1.2
Rules 7.4.1.1., 7.4.1.2, 7.4.1.3
and 7.4.1.4

OBJECTIVE

Objective 7.4.1.1 - Taking, using, damming, or diversion of water

Policies 7.4.1.1 and 7.4.1.2
Rules 7.4.1.1, 7.4.1.2 and
7.4.1.3

To reduce the adverse effects of taking, using, damming or diversion of water within the coastal marine area.

Explanation - The size of the seawater resource seems almost infinite, however, activities which may divert, dam, use or take seawater could have localised adverse effects on the habitat or coastal processes. Large takes from areas, such as estuaries or lagoons, may have adverse effects through potential increased water temperatures. Large takes of freshwater, or diversions of large volumes of freshwater into the coastal marine area, may effect salinity, or, in the case of fiords, alter the depth of the freshwater layer. Other adverse effects in relation to the taking, using, damming or diversion of water may include accelerating coastal erosion siltation or in the case of

removing any of the physical, chemical or biological constituents of coastal water affecting the growth of vegetation and fauna.

POLICIES

Rules 7.4.1.1, 7.4.1.2 and 7.4.1.3

Policy 7.4.1.1 - Taking water from open coastal waters

Allow the taking of water or any of its physical, chemical or biological constituents from open coastal water.

Explanation - Compared with the size of the resource that is available, it is difficult to envisage how such an activity could have any significant adverse effects.

Rules 7.4.1.1, 7.4.1.2, 7.4.1.3 and 7.4.1.4

Policy 7.4.1.2 - Taking water other than open coastal waters

Provide for the taking of water or any of its physical, chemical or biological constituents from waters other than open coastal waters providing there are no adverse effects on the ecology or coastal processes.

Explanation - If water is taken in small quantities in relation to that available then there are less likely to be adverse effects on the hydrology of the area.

RULES

Rule 7.4.1.1 - Taking of water, or any of its constituents from water in specified areas

The taking of water, or any of its physical, chemical or biological constituents from water in the following areas is a discretionary activity:

- 1 Waikawa Harbour;
- 2 Haldane Estuary;
- 3 Toetoes Harbour;
- 4 Awarua Bay upstream of the Tiwai Point causeway;
- 5 New River Estuary upstream of a line drawn from West Point to the mouth of the Clifton Channel;
- 6 the Jacobs River Estuary upstream of the State Highway 99 bridge;
- 7 the Te Waewae Lagoon; and
- 8 any creek, stream or river forming part of the coastal marine area.

Explanation - These areas of coastal waters are of particular concern because of the low volumes of water that can occur there, especially at low tide.

Rule 7.4.1.2 - Taking of water, or any of its constituents from water in non-specified areas

The taking of water, or any of its physical, chemical or biological constituents from open coastal water or enclosed waters not specified in Rule 7.4.1.1, is a permitted activity.

Explanation - Open coastal waters are not considered to be at risk from the above types of water take because the amount taken will be small in comparison to the available resource. Similarly, the enclosed waters, which are not identified in Rule 7.4.1.1, are covered by this rule because the volume of water in them is not low and therefore the effect of taking water or any of its constituents is unlikely to cause a significant adverse effect. It should be noted that any structures associated with the taking of water will require consent as may other effects of the activity covered by this Plan.

Rule 7.4.1.3 - Operational requirements of vessels

The taking of water for the operational requirements of vessels is a permitted activity in all parts of the coastal marine area.

Explanation - Ships require water intake for operational needs such as engine and machinery cooling, refrigeration, ballast, freshwater production and for use in on-board sewage treatment plants. The taking of water for these purposes is not envisaged to have any significant adverse effects.

Rule 7.4.1.4 - Taking of freshwater

Except as described in Section 14(3)(b), (d) or (e) of the Resource Management Act 1991, the taking of freshwater from the coastal marine area, is a discretionary activity.

Explanation - The taking of freshwater could have adverse effects on organisms if, for example, it resulted in a decrease in the depth of the freshwater layer. Because the effects of such taking are unknown, it is advisable to take a precautionary approach. It should be noted that Section 14(3)(b) of the Resource Management Act states:

- (3) *A person is not prohibited by subsection (1) from taking, using, damming, or diverting any water, heat, or energy if -...*
- (b) *in the case of fresh water, the water, heat, or energy is required to be taken or used for -*
- (i) *an individual's reasonable domestic needs;*
 - (ii) *the reasonable needs of an individual's animals for drinking water, -*
- and the taking or use does not, or is not likely to, have an adverse effect on the environment; or ...*

Section 14(3)(d) of the Resource Management Act states: ...

"A person is not prohibited ... from taking ... any water ... if in the case of coastal water (other than open coastal water) the water ... is required for an individual's reasonable domestic or recreational needs and the taking .. does not, or is not likely to, have an adverse effect on the environment."

and Section 14(3)(e) states:

"The water is required to be taken or used for fire-fighting purposes."

OUTCOME

The outcome expected from adopting the objective, policies and rules listed in Section 7.4.1 is:

7.4.1.1 The adverse effects of taking, using, damming or diversion of seawater within the coastal marine area are reduced.

7.4.2 Stream/Lagoon Mouth Opening/Diverting

Section 14 of the Resource Management Act restricts the circumstances where water in the coastal marine area may be diverted.

As a result of the interaction of riverine and coastal processes, river and lagoon mouths can move laterally, block up or open. Floods or high seas, or the lack thereof, are the major influences on mouth dynamics. When a river mouth moves laterally a lagoon may form immediately upstream of the mouth. These lagoons are considered to be valuable habitat within which there are recreational opportunities. However, the formation of a lagoon is sometimes accompanied by increased water levels, especially

when the stream mouth blocks. This may have an adverse effect on the drainage of upstream land. The lateral movement of river mouths is sometimes seen as an erosion threat to adjoining land. In order to prevent erosion or provide for drainage, the course of the river near the mouth may need to be diverted, or alternatively, the mouth may need to be re-opened. Such activities would usually entail either cutting a new channel to the sea, or excavating out the blocked area.

Diversion of seawater will usually only occur within estuaries, and at river mouths where, as a result of the dynamic nature of the river mouth a diversion is required to maintain a safe river outlet to the sea. Such diversion would usually entail either making a new cut through to the sea, or excavating out the blocked area.

The movement of river mouths, or their blockage, can be seen as a natural process which results from a combination of coastal, climatic and fluvial variables. However, this natural process is often affected by non-natural events which can trigger changes in the frequency or magnitude of river mouth movement. The diversion of rivers in the coastal marine area can have adverse effects, both in the coastal marine area and upstream in freshwater ecosystems. Adverse effects will vary in intensity, depending on the size of the river and the magnitude of the diversion. These adverse effects can include:

- impacts on habitats (for example, shellfish beds);
- impacts on natural character;
- changes to fluvial processes;
- change in the extent of salt water intrusion into fresh water ecosystems.

Positive effects can also arise from such diversions, including:

- increases in river flow which enable fish passage;
- preventing erosion of dunes and foreshore vegetation;
- reducing water levels on adjoining land.

ISSUES

Objective 7.4.2.1
Policies 7.4.2.1, 7.4.2.2 and 7.4.2.3
Rules 7.4.2.1, 7.4.2.2, 7.4.2.3 and 7.4.2.4

Issue 7.4.2.1 - Outlets to lagoons block up and stream mouths are diverted parallel to the beach impeding drainage of land within upstream catchments and limiting the use of land

See also Sections 5.5.4, 12 and 20

Objective 7.4.2.1
Policies 7.4.2.1, 7.4.2.2 and 7.4.2.3
Rules 7.4.2.2, 7.4.2.3 and 7.4.2.4

Issue 7.4.2.2 - The opening or diverting of river mouths can alter social, cultural and habitat values and natural character

OBJECTIVES

Policies 7.4.2.1, 7.4.2.2 and 7.4.2.3
Rules 7.4.2.2, 7.4.2.3 and 7.4.2.4

Objective 7.4.2.1 - Opening and diversion of water

Ensure that any opening or diversion of river mouths or lagoons within the coastal marine area is undertaken in a manner so as to avoid, remedy or mitigate any adverse environmental effects arising from such opening or diversion.

Explanation - The opening or diversion of river mouths or lagoons within the coastal marine area can reduce the values of the area. Therefore, there needs to be some policy direction within which such activities can be undertaken.

POLICIES

Policy 7.4.2.1 - Opening or diverting drains, ditches or small stream mouths where the effects on the natural environment and social and cultural values are minor

Rules 7.4.2.1 and 7.4.2.4

Provide for the opening or diverting of drains, ditches or small stream mouths where the effects on the natural environment and social and cultural values are minor.

Explanation - Drains, ditches and some small streams can be opened or diverted with little impact on the natural environment. It is considered reasonable to provide for the opening and diverting of such streams with a minimum of consent procedures. This may help avoid flooding and the adverse effects thereof.

Policy 7.4.2.2 - The status of the Waituna Lagoon

Rule 7.4.2.2

Recognise the status of the Waituna Lagoon as a major part of the Waituna Wetlands Scientific Reserve when considering its opening for the purpose of relieving adjoining land and infrastructure from the adverse effects of inundation.

Explanation - The Waituna Wetland is of international importance as a wildlife habitat, and the lagoon itself has been rated as "outstanding" in the "Wetlands of National Importance to Fisheries" database. However, when the mouth blocks, the lagoon gradually fills with water and can impact upon farmland, public roads and bridges. It is necessary, therefore, to develop means of overcoming these adverse effects. In the past, this has been achieved by implementing a regime for the opening of the lagoon. In considering whether opening should occur impacts upon the wildlife and indigenous vegetation values of the wetland need to be taken into account.

Policy 7.4.2.3 - Priority to unblocking rather than diversion

Rules 7.4.2.1, 7.4.2.2 and 7.4.2.3

In seeking to reduce the adverse effects of inundation caused by the blocking or lateral movement of river mouths, give priority to unblocking rather than diversion.

Explanation - The opening of river/lagoon mouths has less adverse effects on habitat or recreational opportunity than does a diversion which usually leaves the former waterbody high and dry or without permanent flow. Furthermore, the unblocking of a mouth can have a significant positive effect on migratory fish.

RULES

Rule 7.4.2.1³⁷ - Pouahiri Creek, Otaitai Bush Drain, Jamiesons Tributary, Huraki Creek, Cook Creek, unnamed watercourses entering Taramea Bay and drains on land at the Tiwai Aluminium Smelter

Notwithstanding any other Rule in the Plan, the opening or diverting of the mouths of the following watercourses and drains under the specified conditions is a permitted activity, provided that the criteria following the listed watercourses and drains are met:

³⁷ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

- 1 Pouahiri Creek, provided that at mean low water the water level landward of the opening is 200 millimetres higher than would be the case if the mouth were unobstructed;
- 2 Otaitai Bush Drain, provided that at mean low water the water level landward of the opening is 300 millimetres higher than would be the case if the mouth were unobstructed;
- 3 Jamiesons Tributary;
- 4 Huraki Creek, provided that at mean low water the water level landward of the opening is 300 millimetres higher than would be the case if the mouth were unobstructed;
- 5 Cook Creek;
- 6 those unnamed watercourses entering Taramea Bay south of Talls Point;
- 7 an unpiped drain known as the North Drain on the Tiwai Peninsula, at about Map Reference NZMS 260 E47 560:928;
- 8 an unpiped drain known as the West Drain on the Tiwai Peninsula, at about Map Reference NZMS 260 E47 554:922;
- 9 a piped drain known as the South Drain on the Tiwai Peninsula, at about Map Reference NZMS 260 E47 553:918.
- 10 the unnamed creek to the south of the boat ramp on Colac Bay Foreshore Road

provided that in each case:

- a the work is carried out under the direct control of the body or person responsible for the maintenance of that watercourse;
- b no machinery shall be driven into or stand in the water except that the machinery may cross through the drains on land at the Tiwai Aluminium Smelter as described in paragraphs 7, 8 and 9 of this Rule to the extent that it is necessary to obtain reasonable access to the side of the drain from which work is to be undertaken;
- c all contaminants (including fuel oils) shall be prevented from entering the water;
- d the opening is constructed at right angles to the line of the beach;
- e any excavated spoil is removed or spread over non-vegetated areas;
- f the body or person responsible advises the Director of Environmental Management, Southland Regional Council, of the details of the time and extent of the work to be undertaken, prior to the work commencing;
- g in the event of a discovery, or suspected discovery, of a site of cultural, heritage or archaeological value, the operation shall cease immediately in that location and the Director of Environmental Management, Environment Southland shall be informed. Operations may recommence with the permission of the Director of Environmental Management.

Explanation - In the formulation of this Rule it is assumed there are no outstanding ecological values in the immediate vicinity of the mouths of the above watercourses and drains as they are either small or have been the subject of past resource consent processes.

Generally, machinery is not permitted to be driven into or stand in the water to prevent unnecessary adverse effects on the environment of the watercourse or drain and the adjacent coastal water. A partial exception has been made for drains on the land at the Tiwai Aluminium Smelter because its location may require machinery to cross through the water to gain access to open the mouth or divert the flow.

The purpose of requiring notification of the Southland Regional Council is to enable the frequency of such openings to be recorded and the effects monitored. The Council will work together with the Department of Conservation, the Southland Fish and Game Council and Te Ao Marama Inc in assessing those effects. The Council will also make available to those persons undertaking such works. Guidelines that provide guidance as to the timing when such works should be done and techniques that can be adopted in order to minimise any adverse effects on vegetation and fauna.

It is important that if a discovery, or suspected discovery of a site of cultural, heritage or archaeological value is made, that the operation ceases immediately and the Director of Environmental Management at Environment Southland is informed. This will enable the Director to contact the appropriate authority, for example, Te Ao Marama or the Historic Places Trust. The appropriate authority can then visit the site and make recommendations on how to proceed.

Rule 7.4.2.2 - Opening of the Waituna Lagoon

The opening of the Waituna Lagoon to the sea, is a discretionary activity.

Explanation - The values to be taken into account in assessing an application are farmland infrastructure, wildlife and ecosystems. The wildlife values of the Waituna Wetland are of international importance, as recognised by the RAMSAR classification. When open, the lagoon is also valuable to migratory bird species.

It has been agreed by the Southland District Council that this activity will not require a land use consent where the opening is within 200 metres of map reference NZMS 260 Sheet F 47 717933. In the consultation process for defining the coastal marine area boundary, it was agreed that this matter should be dealt with in this Plan.

Rule 7.4.2.3 - The manual or mechanical opening or diversion of the mouths of the Waiau River, Ourawera Stream, Taunamu Creek and Waimatuku Stream

The manual or mechanical opening or diversion of the mouths of the Waiau River, Ourawera Stream, Taunamu Creek, Waimatuku Stream is a discretionary activity.

Explanation - The mouths of each of the above watercourses can provide significant areas of habitat, areas of recreational opportunity, or areas of other social and cultural value, the value of which can be adversely affected by the disturbance to the foreshore caused by openings or diversions in particular.

Rule 7.4.2.4 - Clearing of piped stormwater outlets and drains

The clearing of silt and other material (including vegetative matter) necessary to provide outfall from any piped stormwater outlet, within five metres of that outlet, is a permitted activity provided that material is disposed of on land or over non-vegetated areas.

Explanation - The effects of this activity are minor and it allows the efficiency of minor stormwater outlets to be improved. If excavation is required further from the outlet, one would have to question the suitability of the outlet and consider alternatives. Therefore, a resource consent would be required.

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 7.4.2 are:

- 7.4.2.1 The adverse effects from diverting water within the coastal marine area are avoided, remedied or mitigated.
- 7.4.2.2 Priority is given to opening watercourses where there is the opportunity of opening or diverting them and that the adverse effects from opening watercourses are avoided, remedied or mitigated.

7.4.3 Damming

Damming in the coastal marine area is most likely to occur in association with some sort of tidegate or flood gate structure, including a pipe fitted with a flapgate, or a dam, or a culvert. Damming is generally for the purpose of protecting property from flooding or tidal surges. Such structures will almost certainly alter natural processes and depending on their size, adversely impact on the natural character and amenity of an area as well. Lowland waterbodies are particularly important in sustaining wetland environments which provide habitats for fish and other wildlife. Depending on the type of structure, it will either improve drainage or raise water levels. Either way, unless it is properly designed it will affect the ability of fish such as eels, lamprey, whitebait, black flounder, trout and salmon to migrate up or down stream to feeding or breeding grounds. By preventing the movement of fish species, many of which are endemic, local extinctions may occur. There are technical solutions to facilitate the movement of fish in many situations.

ISSUES

Objective 7.4.3.1
Policy 7.4.3.1
Rules 11.2.3, 11.2.4, 11.4.1,
11.4.2 and 11.4.4

Issue 7.4.3.1 - Structures can prevent fish from moving up and down streams to breeding and feeding grounds

See also Section 11.2

Objective 5.4.1.1
Policies 5.4.1.1, 5.4.1.2, 5.4.1.3
and 11.2.1
Rules 11.2.3, 11.2.4 and 11.4.1

Issue 7.4.3.2 - Damming in the coastal marine area can adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna

See also Section 5.5.4 and 11.2

Objective 7.4.3.1
Policy 7.4.3.1
Rules 11.2.3, 11.2.4, 11.4.1,
11.4.2 and 11.4.4

Issue 7.4.3.3 - Damming and the structures involved in this activity, can adversely affect social and cultural values of the coastal marine area.

See also Sections 5.6, 5.7 and 14

OBJECTIVE

Rules 11.2.3, 11.2.4, 11.4.1,
11.4.2 and 11.4.4

Objective 7.4.3.1 - Fish passage

To maintain the ability of fish species to be able to freely move up and down permanent waterbodies within the coastal marine area.

Explanation - If fish are unable to move through the coastal marine area, access to much larger areas of habitat will be denied to species including endemic species, or species that are socially, culturally and economically important. Figure 7.4.3.1 illustrates the migration periods of New Zealand's diadromous freshwater fish species. (Diadromous fish spend part of their lifecycle in the freshwater environment and part in salt water).

POLICY

Policy 7.4.3.1 - Effective fish passage

Rules 11.2.3, 11.2.4, 11.4.1,
11.4.2 and 11.4.4

Provide for effective fish passage through or around structures built within permanent waterbodies in the coastal marine area.

Explanation - Structures can incorporate design elements that allow fish to pass through them without jeopardising the purpose of the structure.

OUTCOME

The outcome expected from adopting the objective and policy listed in Section 7.4.3 is:

7.4.3.1 Fish are able to move freely up and down waterbodies within the coastal marine area.

Species	Direction	Life stage	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Lamprey	up	adult												
	down	juvenile												
Longfinned eel	up	juvenile							- -			- -		
	down	adult												
Shortfinned eel	up	juvenile												
	down	adult												
Common smelt	up	adult												
	down	larva	- -										- -	- -
Stokell's smelt	up	adult	- -	- -	- -							- -		
	down	larva		- -	- -	- -								
Inanga	up	juvenile	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -
	down	larva	- -					- -	- -			- -	- -	- -
Giant kokopu	up	juvenile										- -		
	down	larva												
Banded Kokopu	up	juvenile										- -		
	down	larva												
Koaro	up	juvenile											- -	
	down	larva			- -									
Torrentfish	up	juvenile												
	down	larva												
Redfinned bully	up	juvenile	- -											
	down	larva												- -
Common bully	up	juvenile	- -	- -										
	down	larva												
Bluegilled bully	up	juvenile												
	down	larva												
Giant bully	up	juvenile	?	?									?	?
	down	larva												
Black flounder	up	juvenile												
	down	adult												

Figure 7.4.3.1 Summary of migration periods of New Zealand's diadromous freshwater fish species (continuous lines indicate probable main periods of migration and discontinuous lines periods of less intense migratory activity).

Source: McDowall, R.M. 1994. A calendar of fish migrations through New Zealand river mouths. Prepared for Waiau River Working Party, convened by the Southland Regional Council
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8 AIR

8.1 Introduction

The Regional Council is responsible for the control of discharges of contaminants to the air environment and for managing any environmental effects of these discharges to air. Within the coastal marine area, discharges to air can give rise to adverse effects by degrading the air quality of the coastal marine area, and resulting in the deposition of contaminants on coastal water and adjoining land. Discharges to air within the coastal marine area can result from:

- the operation of ships, including discharges from engines and other machinery;
- the loading and unloading of ships, particularly with dry bulk products such as fertiliser and wood chips;
- activities carried out on structures, including the storage and processing of material and products arriving by sea;
- the maintenance of structures and ships, including discharges associated with the use of dry abrasive blasting, paint and antifouling compounds.

The ambient air quality within Southland's coastal marine area is very high. There is no known record of any past discharges to air having more than a temporary localised adverse effect on air quality. This section of the Plan provides the framework for the sustainable management of air quality and direction for protecting the air quality of Southland's coastal marine area. It also provides for the consideration of global issues associated with air discharges such as global warming and protection of the ozone layer. The concerns of tangata whenua also need to be taken into account. Air is considered to be a taoka by tangata whenua and its contamination by discharges is culturally offensive.

ISSUES

Objectives 8.1, 8.2 and 8.3
Policies 8.1 and 8.2
Rule 8.1

Issue 8.1 - Many of the discharges to air that take place within the coastal marine area give rise to adverse effects that at most, are minor in nature

See also Section 20

Objectives 8.2 and 8.3
Policies 8.3, 8.4, 8.5, 8.11 and 8.12
Rules 8.6, 8.7 and 8.8

Issue 8.2 - The coastal marine area is generally not a source of unnatural discharges to air and as such, discharges that do occur may cause offence

Objective 8.2
Policies 8.4, 8.5 and 10.5.10
Rules 8.6, 8.7 and 10.5.10

Issue 8.3 - The cumulative effect of discharges that occur during the loading and unloading of ships may ultimately impact on marine ecosystems and reduce the opportunities for multiple use

See also Sections 4.4, 4.7 and 5.4

Objectives 8.2 and 8.3
Policies 8.3, 8.6, 8.11 and 8.12
Rules 8.2, 8.6 and 8.8

Issue 8.4 - The burning of unnatural materials, such as plastics, and chemically altered natural materials such as car tyres, is obnoxious, particularly in natural areas

Issue 8.5 - Dead animals on beaches sometimes need to be burnt when this is the only practicable method of disposal

Objective 8.2
Policy 8.7
Rule 8.5

Issue 8.6 - Abrasive blasting results in contaminants such as high silica sand (where used), and toxic compounds, including lead based paint, zinc from galvanised structures, and antifoulants from ships entering the atmosphere and subsequently, land and water

Objective 8.2
Policy 8.3
Rule 8.6

See also Sections 4.7 and 20

Issue 8.7 - Flaring off of gases associated with exploration and extraction of oil and gas within the coastal marine area contributes to global air degradation and can adversely affect visual amenities by creating dense black smoke

Objective 8.2
Policies 8.3, 8.9 and 8.10
Rule 8.4

See also Sections 5.3 and 20

Issue 8.8 - Some discharges, such as odour, dust and smoke, can adversely affect human health, amenity, cultural and natural character values of the coastal marine area

Objectives 8.2 and 8.3
Policies 8.3, 8.4, 8.6, 8.11 and 8.12
Rules 8.4, 8.5, 8.6, 8.7 and 8.8

Cross boundary Issues

Issue 8.9 - Point source discharges to air from ships can adversely affect the air quality of nearby land areas

Objectives 8.2 and 8.3
Policies 8.8, 8.11 and 8.12
Rules 8.6 and 8.8

See also Sections 5.1 and 20

Issue 8.10 - Discharges to air from dry abrasive blasting, usually for maintenance purposes, in the coastal marine area can adversely affect human health or amenity values

Objectives 8.2 and 8.3
Policies 8.3, 8.10, 8.11 and 8.12
Rule 8.6

See also Sections 5.3, 11 and 20

Issue 8.11 - Discharges to air of dust from the loading or unloading of ships can adversely affect human health or amenity values or cause a localised nuisance

Objectives 8.2 and 8.3
Policies 8.4 and 8.11
Rules 8.6 and 8.7

See also Sections 5.3 and 20

OBJECTIVES

Objective 8.1 - Ambient air quality

Policies 8.1, 8.2, 8.9 and 8.10
Rules 8.1, 8.2, 8.3 and 8.6

To maintain the coastal marine area's ambient air quality.

Explanation - The Southland coastal marine area generally has a high standard of ambient air quality which needs to be maintained to prevent adverse effects on human health and the environment.

Policies 8.1, 8.2, 8.3, 8.4, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11 and 8.12
 Rules 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8 and 10.5.10

Objective 8.2 - Adverse effects of discharges

To avoid, remedy or mitigate the adverse effects of discharges to air within the coastal marine area.

Explanation - While many of the discharges to air within the coastal marine area are minor in nature, some discharges can result in adverse effects to air quality and amenity values, and lead to contamination of coastal waters and land adjoining the coastal marine area. In determining the appropriateness of activities taking place within the coastal marine area, regard will need to be given to the means by which discharges to air can be avoided, remedied or mitigated.

Policies 8.1, 8.2, 8.3, 8.4, 8.6, 8.11 and 8.12
 Rules 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7 and 8.8

Objective 8.3 - Protection of human health and cultural and amenity values

To protect human health and cultural and amenity values from any adverse effects from the discharge of odorous contaminants.

Explanation - Discharges to air of odorous contaminants can have an adverse impact upon human health, as well as cultural and amenity values. It is necessary to avoid, remedy or mitigate these adverse effects.

POLICIES

Rules 8.1, 8.2 and 8.3

Policy 8.1 - Ambient air guidelines

Have regard to any appropriate ambient air guidelines in considering any resource consent.

Explanation - The Council will have regard to relevant ambient air guidelines in considering resource consent applications. This will include those prepared by the Ministry for the Environment in 1994 and any updating that takes place. While it is acknowledged that industrial development may lead to degradation of ambient air quality in some areas of the coastal marine area, the provisions of the Resource Management Act 1991 require consideration of means to avoid, remedy or mitigate any adverse effects of discharges of contaminants into air. It is desirable to ensure that any degradation is minimised wherever practical. The Southland Regional Council will also use the guideline levels, such as those prepared by the Ministry for the Environment when monitoring the ambient air quality in the coastal marine area.

Rules 8.1, 8.2 and 8.3

Policy 8.2¹ - Minor discharges to air

Minor discharges to air will be permitted without the need for resource consents.

Explanation - Within the coastal marine area it will be necessary for the quality of air to be protected, but in most instances the discharges that take place, such as from ships, will not adversely affect air quality or the amenity values of the area. Section 15 of the Act deals with discharges of contaminants. Discharges of contaminants into air from industrial or trade premises in the coastal marine area require a resource consent unless expressly allowed by a rule in this Plan (see Rule 8.1), but any other discharges of contaminants into air from the coastal marine area not subject to a rule in this Plan are authorised without the need to obtain resource consents. It is therefore unnecessary to include a rule identifying that minor discharges of contaminants into air from the coastal marine area (other than from industrial or trade premises) are permitted. Discharges of contaminants into air from land outside the coastal marine area which may in turn affect the coastal marine area are addressed by the Regional Air Plan.

¹ Changed by Environment Court Consent Order – Judge Jackson , 14 February 2003

Policy 8.3 - Discharges to air that are more than minor

Rules 8.4, 8.5, 8.6, 8.7 and 8.8

Discharges to air that are more than minor require assessment on a case-by-case basis.

Explanation - Some of the discharges to air that occur within the coastal marine area give rise to adverse effects that are potentially more than minor, and in order to protect the quality of air within the coastal marine area it will be necessary to assess those proposals on a case-by-case basis.

An example of this is flaring off from exploration and production wells especially if incomplete combustion occurs. The smoke can be visually offensive. It can create an odour and soiling nuisance and can contain cancer-causing agents. It can lead to avoidance behaviour by people using the coastal marine area and may restrict outdoor activities. Wildlife can be disturbed and nearby residents may consider their quality of life adversely impacted.

Policy 8.4 - Discharge to air of materials during loading and unloading of ships

Rules 8.6 and 8.7

Avoid, remedy or mitigate the adverse effects of the discharge of materials being transferred from ship to shore or vice versa, on air, and subsequently water and the seabed.

Explanation - During the process of transferring fine cargoes there is the potential for dusts to be emitted to the air and subsequently blown onto other property or into the water. These dusts may give rise to nuisance effects in the vicinity of such operations or they may ultimately affect the health and vitality of aquatic life in nearby waters. Where practicable, these fine cargoes should be stored and transferred through enclosed containers and transfer systems. Where this is not practical, steps should be taken to remedy or mitigate the effects of the discharge.

Policy 8.5² - Bluff Port Zone Code of Practice

Rule 8.2

Manage discharges to air in the Bluff Port Zone that result from the following activities through specific agreements and supporting Codes of Practice:

- a the loading, unloading, transport, conveyance and storage of cargo;**
- b the erection, placement, maintenance, repair, alteration, extension, removal or demolition of structures or any building, equipment, device or other facility attached to any structure.**

Explanation – Within the Bluff Port Zone incidental discharges to air can be a normal part of the activities described in this Policy. Such activities are an accepted part of the operation of the Port. These discharges are expected to have no more than minor adverse effects. Except where these activities are likely to result in discharges that can have significant adverse effects, managing the discharges through a specific written agreement that is supported by a Code of Practice, is an efficient alternative to resource consents.

² Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Rules 8.5 and 8.6

Policy 8.6 - Burning within the coastal marine area

Restrict the burning of unnatural materials or chemically modified natural materials within the coastal marine area.

Explanation - The burning of such materials, for example, pesticides or car tyres, can represent a significant health risk because of the nature of the contaminants that are released into the environment during the combustion processes. The odour of these discharges is also very offensive. While in some areas of the coastal marine area there are few people, it is likely that these areas are valued for their natural character and inherent peace and quiet and fresh air, and as such, the burning of unnatural materials is not appropriate.

Rule 8.5

Policy 8.7 - Dead animals found on the foreshore

Encourage, where practicable, the removal or burial of dead animals on the foreshore of the coastal marine area in preference to burning.

Explanation - The animals most frequently washed up onto the foreshore are dead stock, especially sheep and the occasional marine mammal. While the latter can be expected in a marine environment from time to time and may be a source of interest, the former are regarded as offensive pollutants. Because of this and other concerns such as health and hydatids risk, dead stock need to be disposed of. Removal of carcasses should be the first consideration. Where this is not practical due to the deterioration of the carcass or because of health risks from handling the carcass, burial would be the preferred option. In exceptional circumstances where burial is impractical, for example on a rocky shore, or where natural decomposition would be a health hazard, for example close to a centre of population, burning may be considered but will not be encouraged.

Rule 8.6

Policy 8.8 - Protection of Significant Areas

Protect ambient air quality in National Parks established under the National Parks Act 1980, lands on Stewart Island that are reserves under the Reserves Act 1977 and stewardship lands pursuant to the Conservation Act 1987, Waituna Wetlands Scientific Reserve and parts Rowallan Forest Conservation Areas.

Explanation - Air is a key natural resource of the Southland region and its protection is necessary to ensure the retention of its life supporting capacity. Some areas of the region, as listed in Appendix 9, are also highly valued for their pristine ambient air quality, or for features which could be adversely affected by some discharges of contaminants into air. In order to protect these areas, it is necessary to protect the ambient air quality from deterioration. This protection may not require preservation of the existing air quality, but provides for its sustainable use and management so that its life-supporting capacity is not compromised and amenity values are retained.

Rules 8.5 and 8.6

Policy 8.9 - Reduction of ozone depleting substances

Promote the reduction of discharges of ozone depleting substances.

Explanation - As it is widely accepted that ozone depleting substances are detrimental to the environment, it is desirable to minimise them wherever possible.

Rules 8.4 and 8.6

Policy 8.10 - Reduction of greenhouse gases

Promote the reduction of emissions of greenhouse gases into air.

Explanation - As it is widely accepted that greenhouse gases are detrimental to the environment, it is desirable to reduce their discharge into air wherever possible.

Policy 8.11 - Human Health

Avoid, remedy or mitigate the impact on the health of people and communities from offensive or objectionable odours.

Explanation - In order to protect the health of people and communities, it is necessary to have regard to any offensive or objectionable odours which may travel beyond the boundary of their source.

Policy 8.12 - Areas of Cultural or Amenity Value

Avoid, remedy or mitigate the impact of offensive or objectionable odours on areas of cultural significance and amenity values.

Explanation - Odour discharges have the potential to adversely impact upon cultural or amenity values (including land value) of an area. It is necessary therefore to have regard to any offensive or objectionable odours which may travel beyond the boundary of their source.

See also Sections 5.3, 5.6 and 20

RULES

Rule 8.1³ - Discharge from Industrial and Trade Premises Permitted

Discharges of contaminants into air from the following industrial or trade premises are permitted activities, provided the criteria following the list are met:

- 1 any combustion processes involving fuel burning equipment, excluding flaring or incineration of trade wastes or refuse, which singly or in combination in any one unit, can burn combustible material having a rate of heat release not exceeding 5MW;
2. any sand or gravel extraction processes operating at 100 tons or less in any hour.

Criteria

- a Any oils burned have a lead content less than 250 parts per million.
- b Where there are discharges of smoke into air:
 - i for processes fitted, or required to be fitted with photoelectric measuring devices – 40% opacity; and
 - ii for processes not fitted with photoelectric measuring devices – Ringelmann 1; and

Monthly deposition of nuisance particulates at or beyond the boundary of the premises shall not exceed 4 grams per square metre above background levels.

Explanation - The discharge of contaminants into air from the industrial or trade premises and processes listed above are of a minor nature and do not cause, either singly or cumulatively, major adverse impacts upon the environment or the health of people and communities. Section 17 of the Resource Management Act 1991 provides for the Environment Court or an enforcement officer to require a person to cease, or prohibit a person from commencing anything that is likely to be noxious, dangerous, offensive, or objectionable to the extent that it may have an adverse effect on the environment. Therefore, these processes can be allowed as permitted activities.

Discharge to air due to the normal operations of ships are authorised by the Resource Management (Marine Pollution) Regulations 1998.

³ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Rule 8.2⁴ - Discharges to Air in the Bluff Port Zone

Except as provided in Rule 8.6(1), within the Bluff Port Zone, discharges to air arising from the activities described below are a permitted activity provided that they are undertaken in accordance with a written agreement with Environment Southland.

The activities to which this Rule applies are as follows:

- a the loading, unloading, transport, conveyance and storage of cargo;
- b the erection, placement, maintenance, repair, alteration, extensions, removal or demolition of structures or any building, equipment, device or other facility attached to any structure including the use of dry abrasive blasting for the undertaking of spot repairs.

Explanation – Incidental discharges to air can be a normal part of the activities described in this Rule. A written agreement entered into with Environment Southland that addresses the issues with respect to most of the discharges arising from those activities is an efficient alternative to resource consents where the activities are undertaken in accordance with that agreement. The agreement is supported by a Code of Practice that addresses methods to minimise the discharges from the listed activities, at the site(s) the agreement applies to.

Rule 8.3⁵ - Discharges from Industrial and Trade Premises Discretionary

Other than provided for by Rules 8.1 and 8.2, discharges of contaminants into air from industrial or trade premises are a discretionary activity.

Explanation - Under Section 15 of the Resource Management Act 1991, discharges from industrial or trade premises not provided for as a permitted activity require approval by way of a resource consent. This rule provides for such discharges to be considered as a discretionary activity.

Rule 8.4 - Flaring off

The flaring off from exploration and production wells is a discretionary activity.

Explanation - Although there are currently no oil exploration or production wells operating in the Southland coastal marine area, exploration wells have existed in the past and there is potential for future exploration and possibly production. In the Great Southern Basin, oil seepage is known to exist on Stewart Island (Cook, 1982). The offshore well, Toroa 1, showed oil and gas and Kawau 1A showed condensate. Tests indicated the possibility of a gas accumulation of 13 billion cubic metres. The database of seismic profiles drilled between 1969 and 1984 suggests that the basin is very prospective. The West Southland Basins have also been targeted as having potential for petroleum exploration (Lusby, 1994).

The flaring of hydrocarbons is a necessary part of hydrocarbon exploration and mining. Excess or unwanted gases are flared to eliminate the risk of explosion. During the drilling and exploration phase at each site, there is a minimal amount of processing equipment available to utilise any gases generated. It must therefore be flared or otherwise released to the atmosphere. In addition, gases are sometimes an unwanted by-product of condensate or oil production and the cheapest option for disposal, given the volumes involved, may be destruction on site rather than utilisation via compressors, separators and pipelines.

⁴ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

⁵ Reference NZAS Ltd 1051/00 allowed for modification of Rule 8.1 and 8.2 and reference was otherwise dismissed – 17 August 2004, Judge Jackson

However, flaring generates CO₂, and can generate smoke. The smoke can be visually offensive. It can create an odour and soiling nuisance and can contain cancer-causing agents. It can reduce amenity values and adversely affect people's recreational use of the coastal marine area. Animals can be disturbed and nearby residents may consider their quality of life adversely impacted. Alternative means of disposal of off-gases exist, e.g. capture for sale or re-injection, but there are economic and technical difficulties related to these options.

Rule 8.5 - Other burning within the coastal marine area

The burning of dead animals is a permitted activity provided that:

- a those animals have been washed onto the foreshore of the coastal marine area; and
- b there is no practicable alternative to burning the animal; and
- c additional fuel and accelerants (excluding tyres and oil) are added to aid the burning process; and
- d the fire is under control at all times; and
- e the fire is extinguished upon the completion of the burning of the animal.

Explanation - This Rule is only for those one-off instances where it is impracticable to remove or bury the carcass. Other permits may be needed (e.g. Department of Conservation permits for burning within 1 km of Department of Conservation estate) before any burning commences.

Rule 8.6 - Discharges to air from the following activities are discretionary activities in the coastal marine area:

- 1 The burning of:
 - a scrap automobile components containing plastic; or
 - b tyres.
- 2 Any combustion processes, not otherwise specified or described in the Coastal Plan, including flaring or incineration of trade wastes or refuse, which singly or together can be used to burn combustible matter:
 - a for any purpose at a rate of heat release exceeding 5 MW, where fuels other than refuse or trade wastes are burned; or
 - b for the purpose of -
 - i the recovery of metals from insulated cable, motor vehicles or any other mixture or combinations of metals and combustibles; or
 - ii the cleaning of drums or containers;
 - c where pathological material, human remains, refuse or trade wastes are incinerated; or
 - d where oils containing more than 250 parts per million by weight of lead are burned; or
 - e at a rate where the combustible matter is a combination of combustible materials which contains sulphur or arsenically treated wood or rubber or oil sludge or pitch or paint residues that will incinerate in excess of 25 kilograms an hour of -
 - i sulphur; or
 - ii arsenically treated wood; or
 - iii rubber; or
 - iv oil sludge; or
 - v pitch; or
 - vi paint residues; or

- f at a rate where the combustible matter is a combination of combustible materials which contains chemicals, plastics, or fibre in which fluorine, chlorine, phosphorous, or nitrogen has been chemically combined that will incinerate in excess of 5 kilograms an hour of such chemicals, plastics or fibre.
- 3 Any chemical processes (excluding electroplating processes) which discharge contaminants to air, including processes used in a synthesis or extraction of organic chemicals, including formulation of insecticides, weedicides, plant hormones, and like toxic or offensive organic compounds.
- 4 Any animal or plant matter processes:
 - a for rendering or reduction or drying through application of heat to animal matter (including feathers, blood, bone, hoof, skin, offal, whole fish and fish heads and guts and like parts, and organic manures); or
 - b having singly or together a raw material capacity in excess of 250 kilograms an hour, and being processes for deep fat frying, oil frying, during by smoking, or where organic matter including wood is subject to such temperatures or conditions that there is partial distillation or pyrolysis; or
 - c for the disposal of offal by incineration.
- 5 Any mineral processes involving the extraction from the surface of the ground or an open pit of minerals (including coal, coke and carbon) or the size reduction and screening of such minerals or the storage outside and above ground of such minerals, or the drying or heating of minerals that on heating release dust or any other contaminant to air being processes which, singly or together:
 - a have or require -
 - i an opencast extraction capacity exceeding 100 tons in any hour; or
 - ii a size reduction and screening capacity in excess of 100 tons in any hour; or
 - iii a storage capacity in excess of 5,000 cubic metres for material smaller than 5 mm diameter and in excess of 10,000 cubic metres for material 5 mm diameter and larger; or
 - iv a rate of heat release exceeding 100 kW; or
 - b are part of a manufacturing process for portland or similar cements and pozzolanic materials; or
 - c are part of a manufacturing process (whether fixed or translocatable) for making hot-mix asphalt mixes or for burning of road surfaces; or
 - d are part of a manufacturing process for making glass or frit from raw materials or making mineral wool or glass fibre, including application of any surface coating to the fibres.
- 6 Any process which involves the production of compost from raw materials that contain trade, industrial, municipal or domestic refuse.
- 7 Any processes (including translocatable processes) which are not otherwise specified or described in the Coastal Plan and which involve dry abrasive blasting.
- 8 Foulwater treatment processes with a design capacity population equivalent for BOD5 of 10,000 people or more.

Information for Consent Applicants

Consent conditions are dependent upon the scale and potential for adverse effects. In addition to the terms and conditions in Section 19 of this Plan, consents issued for the

discharge of contaminants to air from industrial or trade premises may be subject to conditions relating to the following matters, as well as any other such conditions deemed necessary due to site specific factors where applicable:

- a source and environmental monitoring may be required and any results of any monitoring would then be forwarded to the regional council as soon as available, but not more than 30 working days after the completion of testing;
- b site inspection monitoring may be carried out by, or on behalf of, the Southland Regional Council;
- c there will be no alteration to the plant or process which will adversely change the quantity of contaminants emitted or their nature to the detriment of the environment;
- d for discretionary activities emitting odour, the regional council may require the use of computer modelling to show that odour strength will not exceed 0.3 odour units per cubic metre at the boundary of the premises. The results of any modelling should form part of the consent application;
- e standards for odour emissions, which will need to be met by all activities are:
 - i design Ground Level Concentration - 0.3 odour units per cubic metre as a maximum 3 minute design ground level concentration for odour at the boundary of a premise when setting up new activities or upgrading existing activities.
 - ii beyond the site boundary - no odour shall cause a public health nuisance beyond the boundary of a site from which it is produced.
- f standards for smoke emissions, which will need to be met by industrial or trade processes, are:
 - i for processes fitted, or required to be fitted, with photoelectric measuring devices - 40% opacity; and
 - ii for processes not fitted with photoelectric measuring devices - Ringelmann 1.
- g new, or expanding, meat or fish rendering activities may be required to be able to be totally enclosed if either their proximity to residential areas, or concentration of odour emissions so require.
- h the Southland Regional Council may annually, on or about the anniversary of the consent, serve notice of its intention to review the conditions of the consent for the purposes of:
 - (i) dealing with any adverse effect on the environment which may arise from the exercise of the consent; or
 - (ii) complying with the requirements of a regional plan.
- i charges, may be made in accordance with Section 36(1) of the Resource Management Act 1991, for the carrying out of the Regional Council's functions in relation to the administration, monitoring and supervision of resource consents and for the carrying out of its functions under Section 35 of the Resource Management Act 1991.

Explanation - The processes identified in this Rule have the potential to adversely impact upon the environment and/or public health. In order to minimise this impact, it is necessary for the Southland Regional Council to ensure that certain conditions are adhered to. With regard to the location of any new processes, as identified in this rule, the Regional Council can ensure, as far as possible, that an adverse impact is not caused on either regional environment or amenity values. These steps will reduce any adverse effects and assist in the protection of public health and amenity values.

Rule 8.7 - Discharge to air from loading and unloading ships

Except as provided for by Rule 8.2, any activity which results in the discharge of airborne dust particles to air, associated with the loading and unloading of ships, is a controlled activity.

The matters that the Council will exercise its control over are:

- i those matters relating to Iwi in Statutory Acknowledgement Areas;
- ii management practices taken to reduce impacts on: water quality, deposition and fugitive emissions.

This activity will be dealt with as a non-notified consent and will not require the written approval of affected parties.

Explanation - Discharges to air of dust or other particles of contaminants take place during the loading and unloading of ships. To the extent that this is practicable, this needs to be avoided, remedied or mitigated and, as a consequence, a consent is required for such discharges outside of the Bluff Port Zone, with Council considering issues of potential concern to the tangata whenua and appropriate management practices. As a controlled activity, any application is required to be approved, but Council may impose conditions on that consent.

Rule 8.8 - Use of odour masking agents

The use of masking agents to disguise odour is a discretionary activity.

Information Required

In addition to the requirements in Section 88 and the Fourth Schedule of the Resource Management Act 1991, the Southland Regional Council shall require the following information to be submitted with any application for a resource consent:

- a type of masking agent proposed to be used;
- b reason for proposing to use a masking agent;
- c duration masking agent is proposed to be used.

Explanation - Masking agents are air contaminants and it is far better to control the original contaminant than to disguise it with another contaminant. Processes which wish to use masking agents will require the consent of the Regional Council to do so, stating the extraordinary circumstances surrounding the need for the masking agent.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 8 are:

- 8.1 There is no degradation of the region's ambient air quality.
- 8.2 The adverse effects of discharges to air within the coastal marine area will be avoided, remedied or mitigated.
- 8.3 Human health and areas of cultural and amenity value are not adversely affected by odour discharges.

9 OCCUPATION

See also Sections 4.2, 4.4, 4.5, 5.3, 5.5 and 5.8

9.1 Introduction

The majority of land in the coastal marine area is owned by the Crown and is a public resource. No person has a pre-emptive right to exclusively or preferentially occupy the coastal marine area. However, some activities have the effect of excluding the public from part of the coast. In these cases, public access, use and enjoyment of that part of the coast is alienated.

Occupation of the coastal marine area can take the form of exclusive occupation or preferential occupation. Exclusive occupation restricts access to the person(s) or company with the right to occupy unless that occupier grants permission for others to have access. Preferential occupation allows the use of an area by the general public except in circumstances where the person with the occupation right wants to use the area. The caged area of a salmon farm may be an example of exclusive occupation while a whitebait stand is an example of preferential occupation.

Occupation needs to be considered three dimensionally. The area occupied may include the surface of land or water within the coastal marine area, but it may also include an occupation of space above the water or foreshore or seabed, or beneath the surface of the water, foreshore or seabed.

See also Sections 5.4.2 and 5.4.3

ISSUES

Objective 9.1.2
Policies 9.1.2, 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, and 9.1.9
Rules 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.1.5, 9.1.6 and 9.1.7

Issue 9.1.1 - Undertaking some activities in the coastal marine area requires exclusive or preferential occupation of what is otherwise an area freely available for public use

See also Sections 4.2, 5.5

Objectives 9.1.1 and 9.1.2
Policies 9.1.2, 9.1.5 and 9.1.8
Rules 9.1.2, 9.1.3 and 9.1.7

Issue 9.1.2 - The coastal marine area is a popular area for public recreation and its availability for that purpose needs to be protected

See also Section 5.5

OBJECTIVES

Policies 9.1.1, 9.1.5 and 9.1.8
Rules 9.1.2, 9.1.3 and 9.1.7

Objective 9.1.1 - Public recreation

Maintain or enhance the availability of the coastal marine area for public recreation and other uses not requiring any form of preferential occupation.

Explanation - The coastal marine area is a publicly owned area and should be maintained and enhanced for the public good.

Policies 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8 and 9.1.9
Rules 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.1.5, 9.1.6 and 9.1.7

Objective 9.1.2 - Occupation

To ensure that any exclusive or preferential occupation of the coastal marine area is justified.

Explanation - Occupation of the coastal marine area will be appropriate where there are social, economic, health or safety benefits to the community sufficient to offset any impact on public use and enjoyment of, and access to and along, the coastal marine

area. However, people expect that their “public right” to the coastal marine area should be maintained as far as practicable.

POLICIES

Policy 9.1.1 - Public right of use

Rules 5.11.1, 9.1.3 and 9.1.7

Where there is a need for any exclusive occupation of space, the interests of the recreational users and other lawful users not requiring any form of preferential occupation shall be protected.

Explanation - People and communities expect that lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment (Principle 5 of the New Zealand Coastal Policy Statement). Everyone is able to use the coast for recreation and everyone has the right to use it (with environmental constraints) for private opportunity or individual gain e.g. commercial fishermen, but the issuing of some form of preferential or exclusive occupation of the coast is a privilege which may alienate the greater interest of the public. However, exclusive or preferential occupation of the coastal marine area may be necessary for the proper functioning of some activities, or for safety or security reasons. Policy 3.5.1 of the New Zealand Coastal Policy Statement outlines the circumstances where such restrictions are necessary. Any adverse effects on other users of the space proposed to be occupied need to be avoided as far as is practicable, remedied or mitigated.

Policy 9.1.2 - Granting of preferential occupation rather than exclusive occupation

Rules 9.1.2, 9.1.3, 9.1.5 and 9.1.6

Where occupation is required and deemed necessary, the Council favours preferential occupation over exclusive occupation.

Explanation - Preferential occupation allows for the area to be used by more than one activity and exclusive occupation does not. Preferential occupation gives the resource consent holder priority to use a space in the coastal marine area but does not prevent others using it when the resource consent holder does not require it. Such occupation allows for multiple use except at times when the resource consent holder wishes to use the space.

Activities which expand or take some time to fully utilise an area will require the security of occupation rights over a larger area than they initially utilise. In such cases, only part of the proposed activity will immediately require exclusive occupation and the rest of the activity will require preferential occupation as needed. Having a mix of occupational types allows for use by public users until the private user requires it, as outlined in the consent application. That is, gradual development of a project requires only each stage of the development to be alienated from public use. In doing so, the concept of multiple use remains to the fullest practicable extent.

See also Sections 4.4 and 4.5

Policy 9.1.3 - Use it or lose it

Rules 9.1.1 and 9.1.3

Where any right of exclusive occupation is granted, and not fully exercised within a reasonable period, the unoccupied allocation may be subject to review.

Explanation - The granting of a right to occupy prevents other people from using an area for either the same type of use or any other use. It is not an efficient use of the coastal marine area to prevent activities from occurring just because someone else is either not resourced, unwilling or unable to undertake the activity for which they were granted a right to occupy.

Policy 9.1.4 - Minimise areas of exclusive occupation

Limit the area of exclusive occupation to that necessary to undertake the activity for which the right to occupy is needed.

Explanation - Exclusive occupation alienates public space from public use. Given the public expectation of use, exclusive occupation should only be granted where absolutely necessary. Some activities, especially marine farming, start on a small scale and grow to fill the consent area. In the transitional period the public should have an opportunity to use the area not being occupied. With some marine farming, there is an element of experimentation involved. Greater areas may be required in the foreseeable future than is immediately necessary. This needs to be provided for but not at the cost of other potential users who may wish to utilise proven aquacultural techniques. Other uses, such as reclamations, are likely to permanently exclude public access to and along the coastal marine area. The size of the area where public access is restricted or excluded, and the reasons for these restrictions, should be fully justified.

Policy 9.1.5 - Effects on other users

Avoid the use of lawful occupation to provide buffer zones for the purpose of avoiding, remedying or mitigating adverse effects.

Explanation - Some people may wish to have rights to occupy an area greater than they really need, as a "buffer" to protect their activity from the effects of other activities or to protect others from the effects of their own. This approach, however, is not supported. If an activity does or could affect other activities, those effects should be addressed and directly avoided, remedied or mitigated before "buffer" zones are established to provide a protective barrier from the adverse effects. A coastal marine area full of such "buffers" would unnecessarily limit opportunities for public use.

Policy 9.1.6 - Duration of rights to occupy

Limit occupation rights to a period that will satisfy the immediate foreseeable needs of the activity.

Explanation - While it is recognised that some certainty is required in respect of rights to occupy, it also needs to be recognised that at a later date the same area may be required for a use which either has a greater need for the location or provides greater public benefit. Therefore, in the interest of efficient use of the coastal marine area, keeping options open for use by the greater public or activities of greater public benefit in the future is important.

In the past, explorative or experimental activities have ceased operations due to lack of financial viability but have retained their right to occupy the site while doing nothing to remedy or mitigate the adverse effects caused by their activity and their occupation rights over the site. This policy aims to prevent repetition of this type of situation.

Duration of consent may also vary with certainty of the environmental effects and the extent to which the applicant can avoid, remedy or mitigate these effects. Initially, a short term consent may be granted. This would facilitate ongoing review of the effects of the activity. In such instances, the period of occupation should be compatible with the period required to ascertain the environmental effects of the activity more precisely.

Policy 9.1.7 - Rights of renewal

Where a right to occupy is about to expire and there is competing interest in the use of that space, the existing legal occupier will have a preferential right of renewal.

Explanation - A preferential right of renewal offers greater certainty for existing legal occupiers. Those who already legally occupy a site should have the right to renew that occupation unless they have not complied with conditions on their resource consent or the effects of the activity for which occupation is required are no longer appropriate in that area.

Policy 9.1.8 - Temporary exclusive occupation

Rules 9.1.2 and 9.1.3

Provide for organised recreation and sporting events which require exclusive occupation of the coastal marine area on a temporary basis, where the adverse effects of such activities are minor or less than minor.

Explanation - There is frequently demand for the exclusive occupation of part of the coastal marine area for a short period to hold some organised events. Generally, these activities are acceptable to the public at large, a great number of whom may participate in some of the events. Temporary military training, undertaken for defence purposes, may also require temporary exclusive occupation of the coastal marine area as provided for by Rule 5.11.1.

See also Rule 5.11.1

Policy 9.1.9 - Coastal occupation charging regime

Rule 9.1.4

Apply a coastal occupation charging regime to persons who occupy Crown land, to the full or partial exclusion of others, in the coastal marine area of Southland.

Explanation - Section 64A(1) of the Resource Management Act 1991 (RMA) provides the Regional Council with the option of including a coastal occupation charging regime in the Regional Coastal Plan. Section 401(A)(3) provides for the Regional Council to change a proposed regional coastal plan before 1 July 1999 without complying with Section 64A. The Regional Council considers that a charging regime should be included for the following reasons:

- the preferential or exclusive occupation of Crown land in the coastal marine area is a privilege, not a right. Occupation by private individuals can adversely affect public access to, and use of, the coastal marine area. Exclusion or restriction of the public, from publicly owned land, corresponds to a loss of public benefit in terms of access. On the other hand, those that occupy coastal space gain a private benefit from the exclusive or preferential use of what is essentially a public resource. It is reasonable, therefore, to charge those who enjoy the privilege of occupying public space, if the revenue generated is used for the sustainable management of the resource and to compensate the public for their loss of access;
- Section 64A(5) of the RMA requires that money received from the charging regime must be used only for promoting the sustainable management of Southland's coastal marine area. The public will therefore be compensated through sustainable management initiatives aimed at improving public access and enjoyment in the coastal marine area. These and other management activities, which would not generally be funded by rates, will be enabled by the charging regime. In this respect, the charges are consistent with the purpose of the RMA, as well as in line with the user pays philosophy of the Council's Funding Policy;
- the charging regime effectively continues with charges (coastal rentals) that have been in place for a number of years, but with important differences. First, coastal occupation charges can be waived on those occupations that enhance public access or have no adverse effect on public access, rather than applying "across the board" to all coastal occupations. Second, the money generated will be spent in the coastal marine area of Southland, instead of going into a consolidated Crown fund.

RULES¹

Rule 9.1.1² - Exclusive or preferential occupation

Except as provided elsewhere in the Plan, exclusive or preferential occupation of Crown land in the coastal marine area is a discretionary activity.

Explanation – Exclusive or preferential occupation alienates the public right to use the coastal marine area. Use and development within the coastal marine area that seeks exclusive or preferential occupation will be required to demonstrate why exclusivity is required, and why that use and development is incompatible with other uses and development that may already be established.

See also Sections 4.4, 5.3, 5.4, 5.5, 14.1 and 14.2

Rule 9.1.2³ Occupation of the coastal marine area as a discretionary activity

Except as provided for by Rules 5.11.1, 9.1.3 and 11.8.1, any activity involving occupation of the coastal marine area which:

- 1 would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security);
- 2 would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or
- 3 would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas;

is a discretionary activity.

Explanation - Occupation of the coastal marine area which would exclude or restrict public access to or through areas as stated above is regarded as an alienation of the public's right. It is a privilege, not a right, to occupy public space in the coastal marine area.

See also Sections 4.4, 5.3, 5.4, 5.5, 14.1 and 14.2

Rule 9.1.9

Rule 9.1.3 - Temporary exclusive occupation of part of the coastal marine area

Organised recreation and sporting events which require exclusive occupation of part of the coastal marine area, are restricted discretionary activities, provided that:

- 1 normal access along the foreshore is maintained, unless it is necessary to restrict public access in order to protect public safety. In these cases, associated restrictions, including times of restrictions, should be included in the advertisement required in (4) below;
- 2 in areas defined for specific recreation purposes by Rule 14.2.7, consent has been received from sporting clubs operating in these areas;
- 3 in areas not defined for specific recreation purposes by Rule 14.2.7, consent has been received from sporting clubs with shore-based facilities in these areas;
- 4 the event is advertised in The Southland Times and as a community notice on the local radio station at least seven days prior to the event, and on the day of the event, or if The Southland Times is not published on the

¹ Changed by Environment Court Consent Order – Judge Jackson, 27 June 2003

² Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

³ Amended as a result of the New Zealand Coastal Policy Statement 2010

- day of the event, on the day closest and prior to the event when The Southland Times is published;
- 5 any disturbance of the foreshore is rectified by the next high tide, or in the case of events held between Mean High Water Mark and Mean High Water Spring, the action of the next spring tide;
- 6 the event does not generate noise exceeding the following:
- L_{max} – 7.00 am to 9.00 pm 95 dBA
- L_{max} – 9.00 pm to 7.00 am 78 dBA
- Measured in accordance with Rule 5.3.4;
- 7 the event is restricted to daylight hours (between sunrise and sunset) and is of a duration of less than one day;
- 8 adjoining areas remain available/accessible for general public use;
- 9 access to wharves, mooring areas and jetties is maintained;
- 10 all rubbish, litter and equipment associated with the event is removed from the foreshore and litter is disposed of appropriately at the completion of each day's events;
- 11 the event will not adversely affect any of the items listed in Appendix 8.

The Southland Regional Council shall restrict its discretion to the following matters:

- i noise generated by the activity;
- ii the location of the activity and any adverse effects upon flora and fauna value, and public access;
- iii public safety.

Explanation - This Rule is intended to cover events such as racing in the coastal marine area, including horses, motorcycles and power boats. It also includes formally organised beach fun days and other similar events. The purpose of this Rule is to ensure that consultation with other users takes place, that people are aware that the event is to take place, that there is no conflict between competing events in the same vicinity and the impacts on the environment are minimal. Arrangements should also be made for the use of any areas outside the coastal marine area for parking, toilets etc, with the appropriate territorial local authority.

If a waiver of consent fees is considered appropriate, applicants should make such a request at the time of application. The Department of Conservation has been consulted and considers that the type of recreation and sporting events envisaged by this Rule are not subject to Rule 9.1.2.

See also Sections 4.4, 5.3, 5.4, 5.5 and 14.2

Rule 9.1.4 - Coastal occupation charging regime

Circumstances when a coastal occupation charge will be imposed

A coastal occupation charge shall apply to all persons occupying Crown land in the coastal marine area as the holder of a coastal permit. This includes:

- coastal permits for occupation issued under the RMA;
- licences for occupation that were issued prior to the RMA, and are deemed coastal permits under Section 384 of the RMA.

Exemptions from a coastal occupation charge

The following activities will not be subject to a coastal occupation charge:

Permitted activities;

- whitebait stands and maimais;
- activities related or ancillary to the exercise of any Treaty of Waitangi right or right arising from the Ngai Tahu Claims Settlement Act 1998;
- Port Company occupations pursuant to Section 384A of the RMA (until such time that case law establishes that such occupations are not exempt or this Plan is amended to revoke this exemption);
- Marine Farming Act 1971 leases and licences applied for or granted prior to 8 May 1991, pursuant to Sections 397 and 426 of the RMA, unless

subsequent legislation provides, explicitly or implicitly, for such leases and licences to be charged.

Circumstances when charges may be waived

A charge may be waived, in full or in part, on application to the Regional Council. A waiver can apply where an occupation provides a clear public benefit in terms of public access or where an occupation leaves public access largely unaffected.

Level of coastal occupation charges

The following charges are payable as a condition of consent for occupation of the coastal marine area:

(1) Commercial activities, excluding Riverton Harbour wharves

Activity	Charge
Any structure (other than any pipeline, submarine or buried cable, boat storage facility on water, or mooring), including any marine farm (including any associated structure within the marine farm area), boat-building or boat-repair structure, boatshed or other commercial activity.	\$425.00 per annum (p.a.)
Any boat-storage facility on water (for more than ten boats), including marinas, moorings, boat parks, or canal housing	\$425.00 p.a., plus additional sum for every berth or set of pile moorings (\$12.00 per metre of berth p.a.), plus additional sum for every swing mooring (\$84.00 p.a.).

(2) Non-commercial activities, excluding Riverton Harbour wharves

Activity <i>Any structure (other than any pipeline, boat storage facility on water, boatshed or mooring)</i>	Charge
Structures up to and including 14 m ²	\$60.00 p.a.
Structures between 14 m ² and 28 m ²	\$115.00 p.a.
Structures between 28 m ² and 56 m ²	\$230.00 p.a.
Structures between 56 m ² and 84 m ²	\$290.00 p.a.
Structures exceeding 84 m ²	\$425.00 p.a.
Any boatshed	\$115.00 p.a.

(3) Other activities (whether commercial or non-commercial), including Riverton Harbour wharves

Activity	Charge
Any pipeline used solely for individual domestic purposes (including stormwater and water supply purposes):	\$60.00 p.a.
Any pipeline (other than any pipeline used solely for individual domestic purposes) or submarine or buried cable:	\$85.00 per annum (p.a.), plus additional sum if longer than 30 metres (\$15.00 per 30 metre length p.a.), up to a maximum sum of \$425.00 p.a.
Any pile moorings (other than any pile moorings in a boat-storage facility):	\$60.00 p.a.; or \$12.00 per metre p.a., whichever is the higher sum.
Any swing mooring for which preferential or exclusive use is required (i.e., moorings that require a coastal permit under Rule 13.2.8). Note: this does not apply to moorings that are permitted activities under rules 13.2.1 and 13.2.3.	\$84.00 p.a.
Any wharf in Riverton Harbour	\$8.27 per metre length p.a.

These coastal occupation charges are based on previous coastal rental charges set by the Resource Management (Transitional, Fees, Rents and Royalties) Regulations and, in the case of Riverton Harbour wharves, the annual foreshore licensing fee previously collected by Southland District Council.

The charging rate will be linked to the Consumer Price Index for inflation, so that the actual amount paid will be based on the above charges as at 30 September 1998, with any increase or decrease calculated from the change in the Consumer Price Index. The Consumer Price Index for the September quarter was 1107.

The charges are additional to any administration charges that may be payable on a coastal permit, and do not include Goods and Services Tax.

How the money received will be used

Money received from the charging regime will be used to promote the sustainable management of Southland's coastal marine area. The money will be spent as closely as possible to the area from which it is generated, in a manner that the community that is affected by the activity or activities, is the community that benefits from the expenditure of the collective occupation charges. The money will be used by the Regional Council, or made available on application to the Regional Council, after consultation with the community, particularly for (but not limited to) the following activities:

- research, investigation and monitoring additional to that outlined in the Plan;
- monitoring structures in, and removing derelict structures from, the coastal marine area;
- construction and maintenance of public facilities in the coastal marine area (e.g. boat ramps);
- harbour development and maintenance of navigational aids (e.g. at Riverton);
- signage and interpretation (e.g. at Porpoise Bay);
- sponsoring groups involved in coastal marine area enhancement, including the relevant Papatipu Rūnanga of Te Rūnanga o Ngāi Tahu;
- funding educational events such as "Seaweek".

Explanation - Section 64A(4) of the RMA states that no coastal occupation charge may be imposed unless the charge is provided for in the Regional Coastal Plan. Rule 9.1.4 provides for a coastal occupation charge to be imposed on persons occupying the coastal marine area.

The coastal occupation charging regime effectively applies to the same range of occupations that were subject to coastal rentals (or similar charges) under the previous regime. Previously, "coastal rentals" applied to coastal permits for occupation issued under the RMA. Similar charges, including "Crown rentals" and "annual foreshore licensing fees", applied to licences for occupation issued under the Harbours Act. The charging regime potentially applies to all of the above licences, because they are all coastal permits (the latter licences are deemed to be so under Section 384 of the RMA).

Several occupation types, however, are exempt from the charging regime. Permitted activities are exempted on the grounds that, by definition, they have minor effects that are acceptable to the public. This exemption covers all the moorings in the principal mooring areas and anchorages at Stewart Island, except where the owner of the mooring seeks preferential or exclusive occupation rights, over and above any rights inherent in ownership, through a coastal permit pursuant to Rule 13.2.8. Exempting whitebait stands and maimais follows on logically from a previous Ministry for the Environment exemption on whitebait stands under the coastal rentals regime. Whitebait

stands and maimais have considerable recreational importance and are freely available for public use when not being used by the occupier. Occupations of the Port Company are subject to a coastal permit issued under Section 384A of the RMA, and while legal opinions differ on the matter, the Regional Council considers that as at 1 July 1999, they cannot be charged. Section 384A occupations allow for the occupation of the area covered by the Section 384A permit by other parties provided that such occupations

are authorised by the permit holder. Marine Farming Act 1971 leases and licences applied for or granted prior to 8 May 1991 are exempt from charges because, under Sections 397 and 426 RMA, these leases and licences continue “as if the RMA had not been enacted”. This situation may change, however, after the passage of the Resource Management (Marine Farming and Heritage Provisions) Amendment Bill.

In situations where an occupation enhances public access or leaves public access largely unaffected, a full or partial waiver of a charge may be justified.

For the sake of simplicity and continuity, the level of coastal occupation charges is based on the Resource Management (Transitional, Fees, Rents and Royalties) Regulations established for the coastal rentals regime. While a new charging format could be developed for the whole region, it would be very difficult to set charges at a rate that accurately reflects the value of the space to the occupier or the loss of public benefit involved.

The only charging rate that is not based on the above Regulations relates to Riverton Harbour wharves. These wharves continue to be charged at the level previously imposed by Southland District Council as an annual foreshore licensing fee. Although the occupation charge will now be collected by the Regional Council, the revenue generated from these wharves will continue to be made available to the Riverton Harbour Committee (a Standing Committee of the Southland District Council) for the purposes of promoting the sustainable management of Riverton Harbour itself.

Section 64A(5) of the RMA requires that any money received from a coastal occupation charge must be used only for the purpose of promoting the sustainable management of the coastal marine area. Although this could potentially cover a broad range of activities, it is considered that funding should be targeted towards sustainable management initiatives that have an identifiable public benefit.

Rule 9.1.5 - Scientific instruments and supporting equipment permitted

The exclusive occupation of the coastal marine area by instruments of a scientific nature, and any supporting equipment are a permitted activity, provided that:

- a the occupation period does not exceed three months; and**
- b the total size of the equipment does not exceed 2 metres in length, 2 metres in width, and 1.5 metres in height.**

Explanation - In some circumstances, it is appropriate to permit some exclusive occupation of the coastal marine area for scientific purposes. In instances where the equipment and instruments proposed will be present for a comparatively short time, and where they do not exceed a certain size, the effects will be no more than minor.

As part of resource consent approvals, there is also a need to undertake monitoring of the environment. Where such monitoring is required, the issue of where monitoring should be located will be assessed. In some cases, the consent given will enable the monitoring equipment to be installed. In other cases, such as where a new structure is necessary, a separate consent may be required.

See also Section 11.2

Rule 9.1.6⁴ - Occupation by suspended cables, aerial wires, power and telephone lines

Except as provided elsewhere in the Plan, the occupation of the coastal marine area by suspended cables, aerial wires, power and telephone lines, is a discretionary activity.

⁴ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Explanation – Lines used for communication purposes or conveyance of electricity can be constructed in the coastal marine area as lines in the air held on support poles or towers. The effects of constructing such lines need to be assessed and therefore they have been provided for as a discretionary activity. Such status also recognises the need in some cases to have lines located in the coastal marine area.

Rule 9.1.7⁵ - Occupation by submarine lines or submarine cables

Except as provided elsewhere in the Plan occupation by submarine lines or submarine cables in, on or under the bed of the coastal marine area is a restricted discretionary activity. The Council shall restrict its discretion to the following matters:

- a any affect on public access and recreational opportunities;
- b any effect on recognised navigation routes and anchorages;
- c any effect on benthic ecology;
- d any effect on the stability of the seabed and foreshore;
- e any effect on amenity values where the shore end of any submarine line is visible;
- f any effect on cultural, heritage or archaeological values as listed in Appendix 8;
- g any effect on areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- h any effect on the economic wellbeing of people and communities.

Explanation – Submarine lines or submarine cables used for communication purposes may be required in the coastal marine area to ensure all members of the community can have access to telecommunications. These lines or cables are provided for in a different manner to suspended lines as the nature of their effects is likely to be different, particularly once installed. There may be some adverse effects at the time of construction, while any ongoing adverse effect can be avoided, remedied or mitigated by appropriate design and consent conditions. Accordingly, these line and cables have been provided for as restricted discretionary activities.

Rule 9.1.8⁶ - Occupation of cables and lines on existing lawful structures

Occupation of cables and lines on existing lawful structures, provided the cables or lines are securely fixed and taut against the structure is a permitted activity.

Explanation – The occupation of cables and lines on lawfully established structures may be necessary for communication purposes. In circumstances where the cable or line is securely fixed and taut against the structure, the adverse effects are considered to be minimal.

Rule 9.1.9⁷ - Temporary exclusive occupation for the annual Colac Bay Fun Day

The exclusive occupation of the Colac Bay foreshore between the Huraki Creek mouth and the local structure known as the “surfers shed” for the purpose of operating a family fun day known as the Colac Bay Fun Day on one day in either February or March (when the tides are suitable), is a permitted activity, provided that:

⁵ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

⁶ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

⁷ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

- i normal access along the foreshore is maintained, except during the times races are being held along the foreshore when it is necessary to restrict public access in order to protect public safety. The times of restrictions should be included in the advertisement required in (ii) below;
- ii the event is advertised in The Southland Times and as a community notice on the local radio station at least seven days prior to the event, on the day closest and prior to the event when The Southland Times is published;
- iii any disturbance of the foreshore is rectified by the next high-tide, or in the case of events held between Mean High Water Mark and Mean High Water Spring, the action of the next spring tide;
- iv the event complies with Rules 5.3.4 and 5.3.6;
- v the event is restricted to daylight hours (between sunrise and sunset) and is of a duration of less than one day;
- vi adjoining areas remain available/accessible for general public use;
- vii access to wharves, mooring areas and jetties is maintained;
- viii all rubbish, litter and equipment associated with the event is removed from the foreshore and litter is disposed of appropriately at the completion of each day's events.

Explanation - The Colac Bay Fun Day has been operating annually since 1990, and takes place on one day in either February and March, when tidal conditions allow the use of the foreshore between mid-tide and mid-tide. The major activity of the day is horse racing, however other activities occur both within and outside the coastal marine area. The day is used to promote Colac Bay and to allow other organisations to promote themselves. It is a family fun day enjoyed by a large number of people, and there have been no adverse effects reported in the past.

OUTCOME

The outcome expected from adopting the objectives, policies and rules listed in Section 9.1 is:

- 9.1.1 The availability of the coastal marine area for public recreation is maintained and enhanced.**

9.2 Ships Used as a Base/Accommodation Facility

Ships actively involved in commercial fishing, tourism or recreational activities are constantly moving about the coastal waters. It is necessary to remain on board such vessels to conduct these activities. Any accommodation part of the activity is, however, incidental to the activity itself. These vessels anchor or moor for shelter, to allow the crew and passengers to rest and sleep, and to enable those on board to visit or explore adjoining land areas. This anchoring or mooring is a legitimate activity for coastal users and generally does not impact upon the values of others.

However, where ships are anchored or moored in one place for a continuous period and are used as base/accommodation facilities, the extent of associated adverse effects can increase to an unacceptable level. These effects may relate to exclusion of other vessels from anchorages and mooring areas, and adverse effects on visual amenity, natural character, discharges, public access or navigation safety. Such ships may also have an element of use for which there is no functional need within the coastal marine area.

The Resource Management (Marine Pollution Regulations) 1998 control discharges of sewage and grey water from ships. The Act includes some discretion to include additional rules in the Plan. However, Council can only increase the distances seaward for discharges or increase the minimum depth of water that discharges can occur in. Council does not consider that this would be an effective or efficient means of managing the effects of such activities.

Other provisions of this Plan also manage the effects of ships used as base and/or accommodation facilities. These include:

- Section 11 – Structures
- Section 13 – Cruise ships and other large ships
- Section 16 – Commercial surface water activities in Fiordland

Section 5.12 also recognises that there are occasions when, because of emergencies, the provisions of this Plan should not be strictly enforced.

See also Sections 4.1, 4.2, 4.3, 5.1, 5.2, 5.4.2, 5.4.3, 7.2, 7.3, 7.4, 9.1, 13.2, 13.3, 14.2, 16.2 and 16.4.

ISSUES

Issue 9.2.1 - Discharges from ships used as a base/accommodation facility can have adverse effects on water quality, amenity, and natural character

See also Sections 5.1, 5.3, 7.2 and 7.3

Objectives 7.2.2.1, 7.2.2.2 and 7.3.2.1
Policy 9.2.1
Rule 9.2.1

Issue 9.2.2 - Ships used as a base/accommodation facility may not have a functional need to be located for any length of time in one part of the coastal marine area and as a result they can interfere with or have adverse effects on other activities with a functional need to be in the area

See also Sections 4.2, 5.1, 5.3, 7.2, 7.3, 10.3

Objective 4.4.1
Policy 9.2.1
Rule 9.2.1

Issue 9.2.3 - Landward alternatives for base/accommodation facilities are sometimes impracticable or could have greater adverse effects

See also Sections 4.2 and 20

Objective 4.2.1
Policy 9.2.1
Rule 9.2.1

Issue 9.2.4 - Sometimes for reasons of remoteness and non-availability of suitable land it is necessary for ships to be used as base/accommodation facilities in the coastal marine area

See also Sections 4.2, 10.3 and 20

Objective 4.2.1
Policy 9.2.1
Rule 9.2.1

POLICIES

Rule 9.2.1

Policy 9.2.1⁸ - Ships used as a base/accommodation facility

Discourage the anchoring or mooring of ships for use as a base or accommodation facility.

Explanation – Ships are used for a number of different purposes within the coastal marine area. These uses include:

- transportation of people and cargo;
- recreation and sight seeing;
- harvesting of fish, other fauna and flora within the coastal marine area;
- research and monitoring of activities;
- enforcement.

In undertaking these activities, people reside on board the ships they are using. These ships also are not constantly in motion, and anchoring or mooring may be required, or be desirable, for varying lengths of time, as an integral part of those activities. For example, to allow crew and passengers to rest and sleep, and to enable those on board to visit or explore adjoining land areas. Inclement weather or sea conditions may also restrict the movement of ships. Ships are also moored and anchored when not in use. Mooring and anchoring of ships for such purposes is an acceptable part of the use of the coastal marine area and the adverse effects of such activities are minor and non-persistent.

When a barge, or any other ship, stays in the one location for any length of time, and is used as a base/accommodation facility, it can have a number of adverse effects. These can include adverse effects on:

- water quality, (that can arise from disposal of sewage and grey water);
- the availability of space;
- natural character;
- amenity values;
- public access; and
- navigation safety.

These adverse effects are particularly obvious in remote parts of the coastal marine area and become more persistent and less acceptable the longer that ship remains in one place.

In some cases, there may be no practical alternative to using a ship either as a base/accommodation facility. In other cases, the effects of doing so may be less than providing for these on adjoining land. When there is a demonstrated need to use barges and other ships for such purposes, then this may be appropriate provided that the extent of any adverse effects is acceptable. Such uses require consideration on a case-by-case basis by way of resource consent, and where approved, they will likely require conditions in order to avoid, remedy or mitigate adverse effects.

See also Sections 5.1, 5.2, 5.3, 5.4.2, 5.4.3, 7.3.2 and 13.2

⁸ Changed by Environment Court Consent Order – Judge Jackson, 25 September 2002

RULE

Rule 9.2.1⁹ - Anchored or moored ships used as a base/accommodation facility

The use of a ship as a base/accommodation facility is a discretionary activity.

Explanation – Ships used as base, for example, as storage of supplies or as a landing pad; for the servicing of other vessels or users of the coastal marine area; or as an accommodation facility, can give rise to adverse effects including those from disposal of waste, on natural character, on visual and amenity values, and public access. Such ships can also preclude use of anchorages and mooring areas by other ships. These adverse effects are particularly significant in remote parts of the coastal marine area, and, where practicable, they should be avoided altogether.

In most cases, the use of the coastal marine area by ships as a base/accommodation facility is not acceptable unless there is a particular need to do so. Where a demonstrated need can be shown, it is still necessary to assess the impacts of the proposal on a case-by-case basis, and where those impacts are acceptable, conditions may be necessary to avoid, remedy or mitigate adverse effects.

See also Sections 5.1, 5.2, 5.3, 5.12, 7.3 and 11.7.7

OUTCOME

The outcome expected from adopting the Policies and Rules listed in Section 9.2 is:

9.2.1 Only ships that have a justified need to be used as a base/accommodation facility in the coastal marine area, and which do not give rise to significant adverse effects, are situated there.

9.3 Coastal Tendering

The Resource Management Act provides for coastal tendering procedures to be adopted where competition arises for the occupation or use of the same coastal space, or for the extraction of sand, shingle or natural material within it. The coastal tendering process provides for the Crown, as the owner of the resource, to choose between competing applicants on the basis of the financial returns they are prepared to pay for the use of an area or a resource.

On the advice of the Minister of Conservation, the Governor-General may make an Order-in-Council which directs regional councils not to grant coastal permits for the occupation or reclamation of parts of the coastal marine area, or for the removal of sand, shell, shingle or minerals. Where an Order-in-Council is made, anyone wishing to apply for a coastal permit must first go through a competitive tendering process decided upon by the Minister of Conservation. If there is a successful tenderer, they may then make application to the Regional Council for the use or development that they wish to undertake. Any application is then dealt with on its merits and there is no guarantee that the successful tenderer will succeed in obtaining all necessary consents.

Areas where marine farming is prohibited, under the transitional coastal plan, will become discretionary or non-complying once this plan is operative. The Southland Regional Council is of the opinion that coastal tendering is a useful option to address competition for space, in the coastal marine area, between marine farming applicants. The Council has sought the Minister of Conservation's views on coastal tendering in Southland.

⁹ Changed by Environment Court Consent Order – Judge Jackson, 25 September 2002

The Department of Conservation has responded stating that it has identified a number of circumstances when coastal tendering may be useful to improve coastal management. Such circumstances include assisting with the processing of coastal permit applications when regional coastal plans become operative and any existing prohibitions on marine farming cease. However, at this time, the Department does not envisage a coastal tendering regime being introduced in Southland until the appropriateness of activities in areas of the region has been determined by processes under the First Schedule of the Resource Management Act 1991.

See also Section 5.10.

10 SEABED AND FORESHORE

10.1 Dredging, Excavation, Drilling, Tunnelling, and Drainage Works

Dredging is a form of excavation that is usually associated with work designed to clear a channel for the movement of ships. It involves the scooping or sucking up of sediments from the seabed. It usually occurs in harbours and in areas adjoining ports and marinas. Two types of dredging can be identified:

- **Capital Dredging:** means any dredging of the seabed for the purpose of providing adequate depth for a specific purpose;
- **Maintenance Dredging:** Schedule 1.6 of the New Zealand Coastal Policy Statement states that maintenance dredging means dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities, including marina developments.

Excavation is also carried out in association with the erection of structures, drainage works or mining activities. Excavation involves making a hole or channel by digging out material from the seabed or foreshore. Excavation can alter processes including the hydrology and patterns of sedimentation.

Both dredging and excavation can give rise to adverse environmental effects. Removal of material inevitably includes some of the benthic vegetation and fauna of the area. Changes to the environment, brought about by the removal of material and the disturbance of the seabed, can result in habitat and physical changes to make areas unsuitable for sensitive vegetation and fauna.

Generally, maintenance dredging will have less impact than capital dredging, as it occurs in areas that have previously been disturbed. Once dredging has occurred, it is often required on a long term basis, because the dredged channel tends to suffer from infilling. This infilling occurs as natural processes tend to reinstate the original seabed profile.

In estuaries where freshwater and seawater mix, the natural process of flocculation occurs resulting in gradual accumulation of sediment. This process needs to be recognised by adjoining land drainage activities which may have to adapt to change, especially if that change is accelerated because of higher sediment loads of contributing rivers.

Drilling and Tunnelling can adversely affect water quality, as it involves the disturbance of the foreshore and the seabed. These activities can also have direct adverse effects on benthic communities. Drilling and tunnelling can also have adverse effects on freshwater if the drilling or tunnelling pierces an aquifer allowing salt water infiltration.

Drainage Works, particularly the construction of open drains, can reduce water quality and damage or destroy habitat and wildlife values, particularly in wetland areas on the margins of estuaries. Open drain construction and maintenance also results in the deposition of spoil within the coastal marine area which can diminish the natural character, particularly in vegetated areas. The spoil can also provide a habitat for weeds which would otherwise be unable to grow in that locality. Drainage works can also restrict access along foreshores.

See also Section 5.11.8

ISSUES

Issue 10.1.1 - Activities in the coastal marine area and on land can result in sediment build-up which may need to be removed to enable lawful activities to be continued unimpeded

See also Section 20

Objective 10.1.1
Policies 10.1.1 and 10.1.2
Rules 10.1.1, 10.1.2, 10.1.3 and 10.1.4

Issue 10.1.2 - Channels specifically excavated to provide safe shipping access need to be maintained at an operational depth

See also Sections 4.2, 4.4, 10.5 and 12

Objective 10.1.2
Policies 10.1.1, 10.1.2, 10.5.3 and 10.5.9
Rules 10.1.1, 10.1.2, 10.1.3 and 10.1.4

Issue 10.1.3 - Channels may need to be excavated to provide or improve access to ports and mooring areas

See also Section 4.2, 4.4, 10.5 and 12

Objective 10.1.1
Policies 4.2.2, 10.1.1 and 10.1.2
Rules 10.1.1, 10.1.2, 10.1.3, 10.1.4, 10.5.2, 10.5.3, 10.5.5, 10.5.6, 10.5.8, 10.5.9 and 10.5.10

Issue 10.1.4 - Excavation to facilitate the erection of structures, drainage works, mining activities or navigation can have adverse effects on water quality, vegetation, fauna, archaeological and heritage values and can lead to deposition elsewhere in the coastal marine area

Objective 10.1.1
Policies 10.1.1, 10.1.2, 10.1.3, 10.1.4 and 10.1.6
Rules 10.1.1, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.7, 10.1.8, 10.1.9 and 10.1.10

Issue 10.1.5 - Drainage works in the coastal marine area can have adverse effects on water quality, habitat, natural character and archaeological and heritage values

See also Sections 5.1, 5.4, 7.2 and 7.3

Objective 10.1.1
Policies 7.3.2.1 and 7.3.3.1
Rule 7.3.2.5

Issue 10.1.6 - Artificial watercourses, including drains and ditches, within the coastal marine area and discharges from and to artificial watercourses can give rise to adverse visual, ecological and physical effects, and can impact upon access along and across foreshore areas

See also Section 5.3, 7.3 and 12

Objective 10.1.1
Policy 10.1.4
Rules 10.1.8 and 10.1.9

Issue 10.1.7 - Disturbance of the seabed and foreshore can discolour seawater, cause sedimentation and diminish visual amenity

See also Sections 5.3, 7.3 and 12

Objective 10.1.1
Policies 7.2.2.2, 7.2.2.3 and 7.2.2.4
Rules 7.2.2.1, 7.2.2.2, 10.1.6, 10.1.7 and 10.1.10

Issue 10.1.8 - Marine vegetation and fauna can be affected from the heat, noise and vibration caused by oil exploration and activities such as excavation and drilling

See also Section 5.3

Objective 10.1.1
Policy 10.1.3
Rules 10.1.5, 10.1.6 and 10.1.10

Objective 10.1.1
Policy 10.1.3
Rules 10.1.5, 10.1.6 and
10.1.10

Issue 10.1.9 - Drill holes and tunnels can provide a conduit for seawater into freshwater aquifers and have adverse effects on the archaeological and heritage values of sites and structures in the coastal marine area

See also Section 20

OBJECTIVES

Policies 10.1.1, 10.1.2, 10.1.3,
10.1.4 and 10.1.6

Objective 10.1.1 - Disturbance to the seabed or foreshore

To avoid, remedy, or mitigate the adverse effects of disturbance to the seabed or foreshore.

Explanation - The adverse effects of activities such as dredging, excavations, drilling or tunnelling in the seabed or foreshore can include: alteration of coastal processes, deterioration of water quality, degradation of habitat, loss of areas of significant indigenous vegetation, disturbance of the substrate and the modification, damage to or destruction of archaeological or heritage sites or structures, and their associated values.

Subsequent adverse effects include loss of life supporting capacity of ecosystems, reduced species diversity, facilitation of weed invasion, impeded public access to the coast, changes to natural character and amenity values. Such adverse effects need to be avoided, remedied or mitigated.

See also Section 20

Policies 10.1.1, 10.1.2, 10.5.3
and 10.5.9
Rules 10.1.1, 10.1.2, 10.1.3
and 10.1.4

Objective 10.1.2 - Maintain safe and efficient navigation

To maintain safe and efficient navigation in the coastal marine area.

Explanation - Dredging may need to occur in the coastal marine area for the continued safe and efficient navigation of ships in navigation channels, berthing and mooring facilities including marinas.

See also Sections 11.8 and 20

POLICIES

Rules 10.1.1, 10.1.2, 10.1.3,
10.1.14, 10.1.6, 10.1.8, 10.1.9
and 10.1.10

Policy 10.1.1 - Dredging and excavation

Provide for dredging and excavation to remove deposited silt and other material, where the rate of natural deposition has been exceeded, and that deposition adversely effects the continuance of current uses and activities.

Explanation - Some activities accelerate the sedimentation rate, reducing the value of the coastal marine area for established uses. In such instances, it is appropriate to remove the silt if it is impractical to address the cause of the problem.

See also Sections 11.8 and 20

Policy 10.1.2 - Maintenance dredging

Rule 10.1.4

Provide for and manage the effects of maintenance dredging of channels navigable as of 15 February 1997.

Explanation - This policy refers to channels currently used for navigation purposes, not those used at some time in the past, for example parts of the New River Estuary. If channels are not maintained, access to ports and wharves can be compromised.

Policy 10.1.3 - Drilling, tunnelling, excavation, dredging and drainage activities

Rule 10.1.5

Avoid, remedy or mitigate the impact of drilling, tunnelling, excavation, dredging and drainage activities on the environment in which they are undertaken.

Explanation - Drilling, tunnelling, excavation, dredging, drainage activities and structures, machinery and/or ships associated with them can have adverse effects on the coastal marine area. The degree of effect will vary depending on the location and intensity of the activity. Examples of possible effects include: disturbance of the seabed or foreshore, noise, discharge of contaminants (e.g. drilling mud), deposition of excavated or dredged materials, and effects on vegetation, fauna, natural character and amenity, the life-supporting capacity of ecosystems and archaeological and heritage values.

Policy 10.1.4 - Artificial watercourses

Rules 10.1.8 and 10.1.9

Avoid, wherever practicable, remedy or mitigate the adverse effects of the construction and maintenance of artificial watercourses, including drains and ditches, in the coastal marine area.

Explanation - The adverse effects of artificial watercourses, including drains and ditches, on natural character, ecosystems, archaeological and heritage values, as well as public access, need to be avoided in the first instance, remedied or mitigated.

Policy 10.1.5 - Activities which have minor effects

Rule 10.1.7

Provide for activities which have minor effects on the foreshore or seabed.

Explanation - The seabed and foreshore can be temporarily disturbed by activities such as driving a motor vehicle along a beach, riding a horse along a beach and sandcastle building. Any adverse effects of the disturbance caused by such activities are generally short-lived and of little concern.

Policy 10.1.6 - Appropriate Practices

Promote appropriate practices associated with dredging and drainage works.

Explanation - The Southland Regional Council has prepared management guidelines for undertaking dredging and drainage works, which, if followed, will assist in avoiding the adverse effects associated with such works, for example, during the spawning of species such as whitebait.

RULES

Rule 10.1.1 - Capital Dredging

Except as provided for in Rule 10.1.2, any capital dredging including any associated drilling, blasting and tunnelling in any 12 month period:

- i in volumes less than or equal to 50,000 cubic metres; and
- ii extracted from areas of less than 4 hectares; and
- iii extending less than 1,000 metres over foreshore and seabed;

is a discretionary activity.

Explanation - This activity involves alteration of the foreshore and seabed. At the same time, the capital dredging resource consent application is being processed, the terms and conditions of the disturbance of the seabed and foreshore by ongoing maintenance dredging should also be addressed and provided for as a permitted activity under Rule 10.1.4. However, the Resource Management (Marine Pollution) Regulations 1998 requires the dumping of dredge material to be a discretionary activity. Therefore, the Rules in Section 10.2.2 apply to the deposition of the dredged material. This Rule is derived from Schedule 1.6(a) of the New Zealand Coastal Policy Statement 1994.

See also Sections 7.2, 7.3, 10.2, 11.8 and 20

Rule 10.1.2¹ - Capital Dredging – Bluff Port Zone

Within the Bluff Port Zone any capital dredged including any associated drilling, blasting and tunnelling in any 12 month period:

- i. in volumes less than or equal to 50,000 cubic metres; and
- ii extracted from areas of less than 4 hectares; and
- iii extending less than 1,000 metres over foreshore and seabed;

is a controlled activity.

The matters that the Council shall exercise its control over are:

- a the areas to be dredged;
- b the methods of dredging;
- c the hours of operation;
- d noise generated;
- e monitoring requirements.

Explanation - Within the Bluff Port Zone, a variety of port activities are undertaken. This includes extending the areas required for ship manoeuvring and increasing the depth of water as ships manoeuvring and increasing the depth of water as ships visiting the zone increase in size. Within the Bluff Port Zone capital dredging is an expected and acceptable activity. It may, however, be necessary to impose conditions on the works carried out with respect to those matters that the Council has determined to exercise its control.

See also Sections 7.2, 7.3, 10.2, 11.8 and 20

¹ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004
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Rule 10.1.3² - Capital Dredging

Any capital dredging in any 12 month period:

- i in volumes greater than 50,000 cubic metres; or
- ii extracted from areas equal to or greater than 4 hectares; or
- iii extending 1,000 metres or more over foreshore and seabed;

is a discretionary activity.

Explanation - This activity involves alteration of the foreshore and seabed. Capital dredging itself is a discretionary activity as a resource consent will be required so that adverse effects are avoided, remedied or mitigated.

See also Sections 7.2, 7.3, 10.2, 10.5, 11.8 and 20

Rule 10.1.4 - Maintenance Dredging

In areas where capital dredging has been approved by way of a resource consent, maintenance dredging is a permitted activity.

Explanation - Maintenance dredging is necessary to maintain water depths to previously approved levels through the capital dredging resource consent application, for the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities, including marina developments. The dumping of the dredged material requires a resource consent under Section 4(2)(a) of the Resource Management (Marine Pollution) Regulations 1998. Therefore, the Rules in Section 10.2.2 apply to the deposition of the dredge material. This Rule is derived from Schedule 1.6(a) of the New Zealand Coastal Policy Statement 1994. Dredging in contaminated areas such as ports and estuaries already contaminated by heavy materials and other substances has the potential to mobilise and distribute contaminants around the coastal marine area.

See also Sections 7.2, 7.3 and 10.2

Rule 10.1.5 - Drilling and tunnelling of the Foreshore or Seabed

Except as provided by Rules 10.1.1 and 10.1.2, drilling and tunnelling of the foreshore and seabed is a discretionary activity.

Explanation - Any proposed activity in the coastal marine area needs to consider the effects the activity may cause on the surrounding environment, including access to public land. Drilling that passes through confined aquifers can result in contamination of groundwater from the infiltration of contaminants, including salt water, at the surface opening. It may also lead to an exchange of water between different subsurface aquifers.

Some drilling and tunnelling work will be undertaken in conjunction with other activities such as excavation or the erection of a structure that in itself will require a resource consent. However, drilling for exploration or monitoring purposes is an activity in itself as is any form of tunnelling to provide access beneath the coastal marine area.

See also Sections 7.2, 7.3 and 10.2

² Amended as a result of the New Zealand Coastal Policy Statement 2010
Regional Coastal Plan for Southland – March 2013 – Chapter 10 page 6

Rule 10.1.6 - Disturbance of the seabed or foreshore

Except for the purposes of maintenance dredging, described in Rules 10.1.1 - 10.1.3, the disturbance of the seabed or foreshore, where the disturbance is not rectified within one month of completion of the activity giving rise to the disturbance is a discretionary activity.

Explanation - Disturbance of the foreshore can cause adverse visual effects, and disturbance of the seabed can adversely impact on ecosystems, seascapes and water quality.

See also Sections 3, 5.4, 7.2, 7.3 and 10.2

Rules 5.7.1, 5.7.2, 5.7.3
and 5.7.4

Rule 10.1.7³ - Disturbance of the foreshore which is rectified within one month

Except for the mechanical excavation and/or mechanical removal of material, the disturbance of the foreshore where the disturbance is rectified within one month of the completion of the activity giving rise to the disturbance is a permitted activity.

Explanation - This rule is intended to permit activities that disturb the foreshore where the effects of these activities are generally short-lived. Examples would include the building of sandcastles, digging for cockles, riding horses along a beach or driving a vehicle along a beach.

Rule 10.1.8 - Construction of artificial watercourses

The construction of artificial watercourses across the foreshore is a discretionary activity.

Explanation - The construction of artificial watercourses, including drains and ditches, may result in a deterioration of water quality and degradation of habitat and wildlife values, and together with drain maintenance, gives rise to issues associated with the deposition of material. The watercourse may also reduce amenity and impact upon access along and across the foreshore.

See also Sections 5.1, 5.3, 5.4, 5.5, 7.2, 7.3 and 10.2

Rule 10.1.9⁴ - Maintenance of existing authorised artificial watercourses within the coastal marine area

Notwithstanding any other rule in the Plan, the maintenance of existing authorised artificial watercourses, including drains and ditches, within the coastal marine area is a permitted activity.

Explanation - Artificial watercourses, drains and ditches require maintenance to ensure that they work effectively and it is appropriate to provide for this work to be carried out.

See also Sections 5.1, 5.3, 5.4, 5.5, 7.1, 7.3 and 10.2

³ Reference NZAS 1077/00 allowed modification of 10.1.2, 10.1.9 and 10.2.1 and the reference was otherwise dismissed – 17 August 2004 by Judge Jackson

⁴ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

Rule 10.1.10⁵ Discretionary Activity

Any activity provided for by Rules 10.1.5, 10.1.6 or 10.1.8 which results in the disturbance of foreshore and seabed for specific purposes, including the removal of sand, shell, shingle or other natural material:

- 1 in volumes greater than 50,000 cubic metres;
- 2 extracted from areas equal to or greater than four hectares; or
- 3 extending 1,000 metres or more over foreshore and seabed;

is a discretionary activity.

Explanation – Any disturbance of foreshore and seabed by excavating, drilling, moving, tunnelling and including any removal of sand, shell or shingle in the volumes stated in this rule is a discretionary activity which requires a coastal permit before it can proceed.

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 10.1 are:

- 10.1.1 Adverse effects from the disturbance of the seabed or foreshore are avoided, remedied, or mitigated.
- 10.1.2 Safe and efficient navigation in the coastal marine area is maintained.

10.2 Deposition

Deposition can result from the accumulation of material on the seabed or foreshore of the coastal marine area. This is a process that can occur naturally over a period of time, but the types of deposition this plan is concerned with are those resulting from human activities. Deposition can occur deliberately, for example where spoil from excavation or dredging is deposited on the foreshore or on the seabed. It can also occur as a result of a discharge that occurs in the coastal marine area. Deposition occurs when the material settles on the foreshore or seabed and is unable to be moved by currents, wave action or other natural forces such as wind. Deposition can arise out of the following:

- i residual material from activities taking place within the coastal marine area can end up on the seabed. For example, activities such as fin-fish marine farming can result in the deposition of uneaten feed and fish waste. Other marine farming activities can result in the deposition of the farmed species and waste products such as pseudofaeces. The extent of any deposition is dependent on currents and concentration of the farmed species. Inorganic material on the seabed, including shell, has largely physical effects. Organic material can affect benthic life directly, and also give rise to secondary effects, such as production and release of gases and other chemicals as it decomposes. Such faecal material can alter the ecosystem within which the farming activity is located;
- ii structures erected within the coastal marine area, for example, reclamations, hazard protection works and groynes, can alter coastal processes, resulting in erosion in some areas and deposition in others. Deposition usually occurs within areas where water velocity or wave action is reduced;
- iii disposal of material that has been either dredged or otherwise extracted from the coastal marine area, or from excavation on land;

⁵ Amended as a result of the New Zealand Coastal Policy Statement 2010

- iv remedying or mitigating the erosive effects of coastal processes, for example through beach renourishment. Where renourishment is being carried out, care is required to ensure that the material is of a type that is compatible with the area

in which it is being deposited, and that adverse effects will not arise. For example, in high energy situations fine material will be easily washed away, and this could result in unwanted deposition in others areas. Similarly, the use of material that is too coarse could result in a steepening of a beach profile and loss of sand;

- v inappropriate management practices on adjoining land. For example, the clearing of vegetation, or the carrying out of earthworks near to the coast, could result in material washing into the coastal marine area, discolouring water, and aggregating in adjoining coastal areas.

While reclamation and the construction of coastal protection works involve the deposition of material on the seabed, these activities are principally addressed in Section 10.4 (Reclamation) and Section 12.2 (Coastal Protection Works).

Under the provisions of Section 12(1)(d) of the Resource Management Act, no person may deposit in, on, or under any foreshore or seabed any substance in a manner that has, or is likely to have, an adverse effect on the foreshore or seabed unless expressly allowed by a rule in this Plan or a resource consent.

See also Sections 7.3 and 15

ISSUES

Objective 10.2.1
Policy 10.2.1
Rule 10.2.1

Issue 10.2.1 - Deposition can have adverse effects, including:

- **introducing contaminants into water**
- **the modification, damage or destruction of heritage sites or structures**
- **smothering and modifying habitat and areas of indigenous vegetation**
- **reducing water depths**
- **changing sediment transport patterns**
- **impeding navigation**
- **discolouring water**
- **offending cultural values**
- **disturbing fish spawning and nursery grounds**
- **reducing amenity**
- **reducing estuary values**
- **reducing water quality if contaminants are found in spoil**
- **reducing natural character**
- **altering the shoreline**

See also Sections 5.1, 5.2, 5.4, 5.6, 7.2, 11 and 12

Objective 10.2.1
Policies 10.2.2., 10.2.3 and
10.2.4
Rules 10.2.1, 10.2.2 and 10.2.5

Issue 10.2.2 - Dumping of dredgings (spoil) can result in the smothering of biological communities and temporarily lowers water quality

See also Section 12

Objective 10.2.1
Policy 10.2.8
Rule 10.2.2

Issue 10.2.3 - Renourishment of eroded areas can be necessary to mitigate the effects of coastal processes

See also Section 12

Issue 10.2.4 - Land use practices can result in the deposition of material into the coastal marine area

See also Section 20

Objective 10.2.1
Policy 10.2.6

OBJECTIVE

Objective 10.2.1 - Minimise deposition

Policies 10.2.1, 10.2.2, 10.2.3,
10.2.4, 10.2.6, 10.2.8 and 10.2.9
Rules 10.2.1, 10.2.2, 10.2.4,
10.2.5, 10.2.6 and 10.2.7

To minimise deposition that results from human activities in the coastal marine area.

Explanation - Deposition can result from human activities that:

- increase the natural rate of sedimentation through an alteration of coastal processes or indirectly due to increased runoff from land;
- discharge organic material such as pseudofaeces, shell or uneaten food in marine farms;
- intentionally deposit materials for the purposes of coastal hazard protection works;
- move materials from one part of the coastal marine area to another e.g. deposition of dredged material;
- discharge of large volumes of organic material in areas of poor flushing.

These types of activities can have adverse effects on the life-supporting capacity of ecosystems and water, on benthic vegetation and fauna, amenity and natural character. While deposition will occur as a natural part of coastal cycles, it is the increased rate of deposition that results from human activities that needs to be minimised.

Deposition is inextricably linked to the hydraulics and coastal processes that affect water movement in an area, for example, the water circulation pattern of the fiords is different to shallow estuaries. As such, any activity that results in the release or discharge of contaminants or other material needs to take into account the processes that affect water movement.

POLICIES

Policy 10.2.1 - Avoid deposition wherever practicable

Rules 10.2.1, 10.2.2, 10.2.3,
10.2.4, 10.2.6 and 10.2.7

Avoid, wherever practicable, remedy or mitigate the adverse effects of human induced deposition of substances and material (natural or otherwise) into the coastal marine area, where that deposition will significantly increase the natural volume of material being deposited as the result of coastal processes on the seabed or foreshore.

Explanation - Increases in the natural volume of material being deposited on the seabed will have implications for sedentary organisms that live there. Benthic ecosystems are adapted to the natural sedimentation regime within a particular area and are susceptible to change in that regime.

While the principal deposition activity may create a specific and measurable effect, it may also lead to secondary deposition in the form of silt accumulation. Silt accumulation can result from the physical effect of the principal activity on coastal processes e.g. lower water velocities and increased sedimentation.

Deposition can also physically change an area to the detriment of recreational activity and navigation safety.

See also Sections 5.4 and 11.8

Rules 10.2.2, 10.2.3 and 10.2.5

Policy 10.2.2 - Dredged material

Provide for the disposal of dredged material taken from the coastal marine area, back into the coastal marine area where the activity will not have significant adverse effects on habitat and heritage values, coastal processes, navigation, safety and water quality.

Explanation - Disposal of dredged material within the coastal marine area is a common method of disposal principally because it is convenient to do so. However, care needs to be taken to ensure that the disposal does not merely transfer the problem elsewhere or create new problems. Unlike material from land-based sources, dredged material from within the coastal marine area is being transferred or redeposited and as such is a different circumstance to the deposition of new material. Matters that need to be considered before disposing dredged material include the quantity and sediment size of the material, possible contamination, the location of the deposition and impacts on fauna and vegetation.

See also Sections 5.4, 7.2 and 12

Rules 10.2.2, 10.2.4 and 10.2.5

Policy 10.2.3⁶ - Avoid, remedy or mitigate the disposal of contaminants in the coastal marine area

Avoid, wherever practicable, remedy or mitigate the adverse effects of the disposal or deposition of contaminants and materials containing contaminants in the coastal marine area.

Explanation - The coastal marine area is not the appropriate place for the disposal of contaminants and materials containing contaminants that could give rise to adverse effects. There are land-based facilities for the appropriate disposal of contaminated materials. If contaminants were disposed in the coastal marine area, the contaminants would not stay in one particular area as on land, but rather would disperse further into the coastal marine area and affect a wider area of marine life and natural character.

See also Sections 5.1 and 5.4

Rules 10.2.2, 10.2.4 and 10.2.5

Policy 10.2.4 - Deposit/dispose dredging material from the coastal marine area onto similar materials

Dispose of dredging spoil from the coastal marine area onto similar substrate in the coastal marine area.

Explanation - Depositing/disposing dredging materials from the coastal marine area onto similar substrate, for example, mud onto mud in the coastal marine area should have less effects on the receiving environment than would be the case if the dredged material was totally out of character with the existing substrate.

See also Sections 11 and 11.8

Rules 10.2.1, 10.2.4 and 10.2.5

Policy 10.2.5 - Navigable water

Avoid the adverse effects of deposition on navigable water.

Explanation - Deposition of material on the seabed or foreshore could reduce navigable depths to the extent that such activities are no longer safe or practicable. The types of ships potentially affected range from international cargo ships to sailboards.

See also Section 11, 11.8

⁶ Reference NZAS 1077/00 allowed modification of 10.1.2, 10.1.9 and 10.2.1 and the reference was otherwise dismissed – 17 August 2004 by Judge Jackson

Policy 10.2.6 - Land use practices

Promote land use practices that prevent siltation or deposition of other material in the coastal marine area.

Explanation - Much of the sedimentation around the coast, particularly in estuaries, is derived from either river borne silt or land-based activities that take place at the coastal interface, for example, earthworks. Some methods of implementing this policy will lie outside the role of this Plan.

See also Section 20

Policy 10.2.7 - Deposition of organic material

Avoid, wherever practicable, remedy or mitigate the adverse effects of the deposition of organic material from activities occurring in the coastal marine area, on the seabed or foreshore.

Explanation - This policy recognises and seeks to maintain the complexity and inter-connectedness of species and habitats within the coastal marine area and other parts of the marine environment.

Deposition of organic material in the benthos can have chemical, physical and biological effects. This can result in effects such as the smothering of existing biological communities, habitat loss and changes in species diversity, abundance and community composition. Toxic effects can arise from deposition of some organic materials and bioaccumulation of toxic substances can occur within the food chain, over time. Toxic effects may be sub-lethal and may affect species robustness without necessarily causing death.

The effects are not just restricted to the immediate environment. Many marine species have a pelagic larval stage, nursery stage and adult stage. Each stage occupies different and spatially diverse habitats. If deposition affects the habitat of one life stage, it not only affects the immediate area but may also affect populations in other areas.

The effects of any deposition of organic material need to be considered both spatially and temporally. While initial deposition activity may create a specific and measurable effect, it may also lead to secondary deposition in the form of silt accumulation. Silt accumulation can result from a change in coastal processes caused by the initial deposition e.g. lower water velocities and increased sedimentation. These cumulative effects and the cumulative effects of all activities occurring in an area need to be considered.

See also Section 5.4

Policy 10.2.8 - Beach renourishment

Rule 10.2.2

Provide for beach renourishment where:

- a materials similar in character to those naturally found in the area to be renourished are used; and**
- b where it is impractical to remedy the loss or non-accumulation of beach materials.**

Explanation - Beach renourishment is usually a remedy to overcome the effects of a past activity which itself cannot be altered. It is an attempt to maintain the status quo and, as such, is usually acceptable provided the materials used are compatible with the natural characteristics of the beach.

See also Sections 12.2 and 5.1

Policy 10.2.9 - Natural State Water

Avoid the adverse effects of deposition on areas with Natural State (NS) waters as identified in Figure 7.2.2.1.

Explanation - Natural State waters are waters of the highest quality in Southland's coastal marine area and are as natural as reasonably possible. These waters support indigenous communities of vegetation and fauna, which is a direct result of the high natural water quality. Deposition on the bed of these waters could have consequences for the biota that it supports, to the detriment of the ecosystems, without having any effect on water quality.

See also Section 7.2

RULES

Rule 10.2.1⁷ - Disposal of solid waste into the coastal marine area

Except as provided for in Rules 7.3.2.1, 7.3.2.5-7.3.2.8, the disposal of any solid waste into the coastal marine area, is a prohibited activity.

Explanation - The coastal marine area is an area where the disposal of solid waste is not a socially acceptable activity, principally for cultural, amenity and ecological reasons. The coastal marine area is not to be used as a convenient dumping site for the disposal of unwanted materials.

Examples of such unwanted materials include: plastic bags, strappings, glass and plastic bottles, aluminium and tin cans, food packaging, household rubbish, demolition material, abandoned vehicles, unused structures and other solid material from marine farms, and material excavated from land.

While this rule prohibits the disposal of such materials in the coastal marine area, it does not preclude the use of materials such as material excavated from the land for reclamations which may be appropriate in certain circumstances.

See also Sections 5.3, 7.3, 10.4 and 12.2

Rule 10.2.2 - Deposition of any material on the foreshore, including beach renourishment

Except as provided for in Rules 7.4.2.1, 7.4.2.4, 10.1.8 and 10.2.4, the deposition of less than 50,000 cubic metres of any material on the foreshore in one site in any one year, (excluding materials described in Rules 10.2.1 and 7.3.5.1) is a discretionary activity.

Explanation - This Rule provides a process to consider the effects of deposition discussed in Issue 10.2.1. It also provides for the deposition of material required for coastal protection work and beach renourishment, where appropriate.

Before beach renourishment occurs, consideration of alternatives is required and the reason for the loss of beach material needs to be established. There is also a need to assess the appropriateness of the material used for renourishment.

See also Sections 7.3 and 12.2

⁷ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004
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Rule 10.2.3 - Deposition of sand collected from within Dunns Road or Ferry Road, Otatara onto Oreti Beach

The deposition of sand collected from within Dunns Road or Ferry Road, Otatara onto Oreti Beach is a permitted activity provided that:

- 1 the trays and sides of any trucks or trailers used to cart the sand are clean and free of extraneous matter prior to sand being loaded onto them; and
- 2 the sand is deposited between mean high water mark and mean high water mark springs with layers not exceeding 200 mm in depth; and
- 3 the machinery involved only operates above mean high water mark.

Explanation - Sand is regularly blown off Oreti Beach onto roads which lead to the beach, either blocking or narrowing access to the beach. To preserve practical and safe access to the beach, this sand needs to be removed. It is reasonable to place this sand back onto the beach, and to reduce the effects of coastal processes, it is desirable to deposit the sand at the toes of dunes that are eroding.

Some problems have occurred in the past where residual amounts of gravel, clay or bitumen remain in truck trays before the sand removal commences. These materials end up being dumped on the beach with the sand. The sand then blows away leaving unsightly material on the beach sands.

See also Section 7.3

Rule 10.2.4 - Deposition of material on the seabed

Except for materials described in Rules 10.2.1, 10.2.2, 10.2.6, 10.2.7 and 7.3.5.1, deposition of material on the seabed, from activities occurring in the coastal marine area, is a discretionary activity.

Explanation - Deposition may result in any of the following:

- accelerated sedimentation;
- smothering of indigenous vegetation and fauna;
- an alteration to substrate type due to accumulation of deposited material;
- chemical reactions between the deposited material and the receiving environment that result in biotransformation and/or chemical transformation producing more noxious residuals;
- non-compliance with water quality classification standards outlined in Rule 7.2.2.1 and, where applicable, Rule 7.2.2.2;
- an increase in volume of decomposition gases such as H₂S, CH₄, NH₃;
- an alteration in biodiversity;
- loss of existing habitat;
- an alteration in water circulation patterns.

While many of the above effects may occur naturally, there is a need to address human acceleration of these effects. This Rule provides a process for considering the effects of human initiated deposition activity on the seabed. Deposition can have major impacts on the biota within the coastal marine environment. It can cause changes physically and chemically leading to biological change. Organisms that have adapted to specific habitats can not adjust to the sudden changes resulting from deposition. This may lead to the displacement of some species and an alteration of community composition. There is a specific concern regarding the effects of deposition on benthic ecosystems. There is also concern regarding effects of chemical reactions between the chemical components of the material being deposited and the chemical components and the biota of the receiving environment.

The disposal of contaminated material, obtained from dredging or excavations within the coastal marine area, into another part of the coastal marine area needs to consider the effects of disposal on the receiving environment. This includes the effects on marine life and coastal processes. Contaminated material can, for example, come from

material dredged near wharves or from the mouths of watercourses that have principally urban catchments. It may be inappropriate to dispose of contaminated material removed from one part of the coastal marine environment into another part. Where one area is deemed appropriate for receiving contaminated material, another seemingly similar site, may not be. Alternatives need to be considered, including land-based facilities.

See also Sections 5.4, 7.2, 7.3, 10.1 and 12

Rule 10.2.5⁸ - Deposition of any material where quantities equal or exceed 50,000 cubic metres in any twelve month period

The deposition of any material other than is prohibited by Rule 10.2.1 on any foreshore or seabed where quantities equal or exceed 50,000 cubic metres in any twelve month period, is a discretionary activity.

See also Sections 5.4, 7.2, 7.3, 10.1 and 12

Rule 10.2.6 - Deposition in Fiordland – Non-complying

The deposition of any material on the foreshore or seabed of the coastal marine area within the internal waters and open coast of Fiordland in quantities less than 50,000 cubic metres in a 12 month period is a non-complying activity.

See also Sections 5.4, 7.2, 7.3, 10.1 and 12

Rule 10.2.7⁹ - Deposition in Fiordland – Non-complying

The deposition of any material on the foreshore or seabed of the coastal marine area within the internal waters and open coast of Fiordland in quantities equal to or greater than 50,000 cubic metres in a twelve month period is a non-complying activity.

Explanation for Rules 10.2.6 and 10.2.7 - The coastal marine area of Fiordland contains very high (nationally and internationally) natural character and amenity values, in association with the waters being classified as natural state. Such values need to be protected and maintained as far as practicable, therefore a more stringent test in the resource consent application process is considered to be appropriate.

See also Sections 5.4, 7.2, 7.3, 10.1 and 12

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 10.2 are:

10.2.1 Deposition on the seabed and foreshore of the coastal marine area is minimised.

10.2.2 The effects of deposition will be avoided, remedied or mitigated.

⁸ Amended as a result of the New Zealand Coastal Policy Statement 2010

⁹ Amended as a result of the New Zealand Coastal Policy Statement 2010

10.3 Ship Wrecks

Historic shipwrecks are covered by the Historic Places Act 1993 and are discussed in the Heritage Section of this plan. This section addresses issues relating to contemporary shipwrecks that occur during the tenure of this Plan.

ISSUE

Issue 10.3.1 - Occasionally ships sink or ground. In most cases they are removed but there are instances where the owner decides to leave the sunken or grounded ship where it is. This could endanger shipping, detract from visual amenity and/or interfere with activities in the coastal marine area. Ships that outlive their usefulness have, in the past, been abandoned in the coastal marine area, either left on the foreshore or deliberately sunken. These abandoned ships can have similar adverse effects to those ships that are grounded or accidentally sunken

See also Sections 4.4, 5.3, 9 and 11

Objective 10.3.1
Policy 10.3.1
Rule 10.3.1

OBJECTIVE

Objective 10.3.1 - Ensure that owners of sunken, grounded or abandoned ships avoid, remedy, or mitigate adverse effects

Policies 10.3.1 and 10.3.2
Rule 10.3.1

To ensure that owners of sunken, grounded, or abandoned ships avoid, remedy or mitigate adverse effects on the coastal marine area.

Explanation - Sunken ships can produce a number of adverse effects such as visual effects, health and safety effects and effects on navigation safety. These effects need to be avoided, remedied, or mitigated by the owner.

See also Sections 5.3, 9 and 11

POLICIES

Policy 10.3.1 - Owners of sunken, grounded or abandoned ships to obtain a consent

Rule 10.3.1

Require the owners of ships sunken, grounded or abandoned in the coastal marine area to obtain consent to occupy the coastal marine area.

Explanation - Where ships sink in deep water they would not normally be expected to cause a safety problem, but where they are in a channel or on the foreshore, removal or other measures may be necessary to avoid, remedy or mitigate adverse effects.

It should also be noted that the leaving of a ship on the bed of the coastal marine area is an occupation and such use is not permitted under the Resource Management Act unless provided for by a rule in the Regional Coastal Plan or a resource consent. It would be inappropriate to allow sunken or grounded ships to remain as of right.

See also Sections 9 and 13

Policy 10.3.2 - Removal of contaminants

Require, where practicable, the removal of contaminants from sunken, grounded or abandoned ships.

Explanation - Ships that sink, are abandoned or become grounded in the coastal marine area are potentially a source of contaminant discharges. While fuels are an obvious source of contaminants, cargo may also cause problems. Bulk cargoes are of particular concern and may result in visual or chemical pollution.

RULE

Rule 10.3.1 - Occupation of the coastal marine area by sunken, grounded or abandoned ships

Except where a ship has accidentally sunk and its location is unknown, the occupation of the coastal marine area by ships sunken, grounded or abandoned after 15 February 1997 is a discretionary activity.

Explanation - Ships can be sunken grounded or abandoned, in the coastal marine area either deliberately or as a result of an accident. There have been past instances where the coastal marine area has been used as a convenient dumping ground for ships that are no longer sea worthy or that are no longer required by their owners. This type of use of the coastal marine area may be inappropriate and contrary to the principles of public access and efficient use.

Regardless of whether the sinking was deliberate or accidental, there could be adverse environmental effects. These ships may be a risk to public and/or navigation safety or a hazard to trawlers. In some cases, they may result in environmental effects such as leaking oil. These adverse effects need to be remedied or mitigated.

Where any resource consent is not approved then it will be necessary for the ship to be removed from the coastal marine area.

OUTCOME

The outcome expected from adopting the objective, policies and rule listed in Section 10.3 is:

10.3.1 Adverse effects from sunken or grounded ships are avoided, remedied or mitigated.

10.4 Reclamations and Impoundments

Historically, reclamation has been used as a method for obtaining flat land. In some instances, such reclamation has been used for coastal related matters, such as port activities. Often, however, reclamations were just a convenient source of additional land for activities which do not require use of foreshore and seabed, such as road construction.

The physical undertaking of reclamations is a matter that is dealt with in this Plan, but the uses of any reclamation is a matter that is dealt with by territorial authorities.

Adverse effects that could arise from reclamations include:

- habitat and biological productivity are permanently lost by removal of foreshore and seabed;
- the foreshore shape is altered with effects on wave energy, tidal flows, salinity and microclimate;
- sediment transport along the coast is affected, giving rise to areas of accretion and erosion;.

- loss or restrictions on public access;
- loss of natural character and landscape values;
- loss of areas for water based recreation;
- potential impacts on navigation and ship safety;
- introduction of sediment to water and subsequent loss of water clarity and natural substrates.

Esplanade reserves or strips can be set aside or created on reclamations as a condition of the coastal permit granted for the reclamation (Section 108(1)(g)). Whether or not these reserves or strips are required will be considered on a case-by-case basis using the Objectives and Policies in this Plan for guidance. The sections of particular relevance to this assessment include: 4.1, 5.1, 5.5 and 14.

An impoundment refers to the complete or partial closure by a structure of part of the coastal marine area.

Impoundments can take two forms:

- draining of the coastal marine area, that is, the creation of land that is below sea level. This is generally not beneficial to coastal processes (tidal flushing) and results in the loss of habitat for waders and fish;
- damming of water and retaining it at levels above that which naturally occur in the coastal marine area. This can be beneficial to wildlife, creating wetlands for waterfowl species, but has similar effects on coastal processes as (i) above.

See also Section 5.7

ISSUES

Issue 10.4.1 - Reclamations and impoundments can have adverse effects on:

- **coastal processes and the resultant sediment transport;**
- **the flushing of enclosed and semi-enclosed coastal waters;**
- **habitat and biological productivity;**
- **public access and recreation;**
- **natural character, amenity and landscape values;**
- **navigation and safety;**
- **tangata whenua values;**
- **archaeological and heritage values**

See also Sections 5.1, 5.4, 5.5, 10.4, 12 and 14

Objectives 10.4.1 and 10.4.2
Policies 5.1.1, 5.4.1.2, 10.4.1, 10.4.2, 10.4.3, 10.4.5, 10.4.6 and 11.8.2
Rules 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.5

Issue 10.4.2 - Reclamations and impoundments reduce the area of the coastal marine area, and in doing so impact upon the natural coastal environment, and effectively prevent the use of that area by activities that need a coastal location.

See also Sections 4.2, 5.1, 5.3, 5.8 and 9.1

Objectives 10.4.1 and 10.4.2
Policies 10.4.1, 10.4.2 and 10.4.6
Rules 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.5

Issue 10.4.3 - Material used in reclamations and impoundments can leach into adjoining water, resulting in adverse effects on the water and seabed.

Objective 10.4.1
Policy 10.4.5

OBJECTIVES

Policies 5.1.1, 5.4.1.2, 10.4.1, 10.4.2, 10.4.3, 10.4.5, 10.4.6 and 11.8.2

Rules 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.5

Objective 10.4.1 - Avoidance of adverse effects

To avoid the adverse effects of reclamation and impoundment within the coastal marine area of Southland.

Explanation - Reclamations and impoundments can produce a range of adverse effects which need to be avoided so as to maintain and enhance the natural character, access, habitats, archaeological and heritage sites and structures and opportunities in the coastal marine area.

See also Sections 3, 4.4, 5.1, 5.4, 5.5 and Appendix 5

Policies 10.4.1, 10.4.2, 10.4.5 and 10.4.6

Rules 10.4.1, 10.4.2, 10.4.3, 10.4.4 and 10.4.5

Objective 10.4.2 - Minimise area reclaimed or impounded

To ensure that where the foreshore and seabed must be reclaimed or impounded, the area affected is kept to a minimum.

Explanation - Habitat and biological productivity are permanently lost once the foreshore or seabed has been reclaimed or impounded. Reclamations and impoundments can also result in ongoing adverse effects which are difficult and expensive to remedy.

See also Sections 4.4, 5.1, 5.4 and 5.5

POLICIES

Policy 10.4.1 - Restrict reclamations and impoundments

Restrict reclamations and impoundments to situations where they are the most appropriate way of providing for an activity, following consideration of alternatives to reclamation.

Explanation - It will also be necessary for the reclamation to meet other tests contained within the rules and policies of the Plan, for example, functional need, adverse effects etc.

See also Section 4.2

Policy 10.4.2 - Preference for floating structures and piled platforms

Floating structures and piled platforms are preferred ahead of reclamations, and causeways.

Explanation - Piled or floating structures are relatively open beneath their decks and will have less impact upon coastal processes than solid structures or earth works (for example, sediment transport can still proceed). These types of structures do not cover as much of the sea floor as reclamations, and as a consequence there is less impact on the habitat of marine biota, and in the case of harbours, tidal flushing. While floating or piled structures may cover an area similar to a reclamation, their vertical element physically occupies less of the coastal marine area.

Policy 10.4.3 - Reclamations in estuaries, and enclosed waters

Reclamations in semi-enclosed and enclosed waters, including estuaries, will not be permitted where there are other practicable options available.

Explanation - Only if no land, or open coastal water sites are available, and if there are no practicable options to reclamation, will it be appropriate to consider the reclamation of sheltered waters. It will still be necessary, however, to meet other tests.

Estuaries are reliant on tidal volume for flushing of nutrients and sediments. Reductions in the tidal volume can lead to sedimentation and higher concentrations of contaminants.

Policy 4.1.6 of the New Zealand Coastal Policy Statement requires that before any consent to undertake a reclamation is granted, regard shall be had to any available alternatives for what the applicant seeks to do.

See also Sections 4.4, 5.1, 5.4, 5.5 and 6

Policy 10.4.4 - Financial contributions in respect of reclamation or impoundment

Require financial contributions to offset the adverse effects that arise from reclamation or impoundment.

Explanation - It is inevitable that reclamations will give rise to adverse effects, including loss of public space and loss of habitat. In such circumstances, it is appropriate that some financial contribution be made.

See also Section 17

Policy 10.4.5 - Material to be used in reclamations and impoundments

Restrict the types of material to be used in reclamations and impoundments to those which are free of contaminants which are likely to, or have the potential to, adversely affect the coastal marine area, and which are suitable for the intended purpose.

Explanation - Only inert material should be used within reclamations and impoundments in order to ensure that no discharges occur to the coastal marine area. Material which could result in discharges to the coast, such as, septic tank sludge, toxic waste or refuse can adversely effect the biota and amenity values. Refer to New Zealand Coastal Policy Statement 4.1.4. Further, material used in reclamations and impoundments must be physically suited for its purpose. For example, building rubble and other material that it likely to disintegrate when compacted, or lose any structural integrity when saturated by any changes in sea level, is not suited as fill within reclamations and impoundments.

See also Section 7.3.5

Policy 10.4.6 - Esplanade reserves or public rights of way along the margins of reclamations

Require the provision of esplanade reserves or public rights of way along the margin of any reclamation except where:

- a the margin of the reclamation will, as of right, be available for public use, for example, area required for road or public reserve; or
- b there is a need to protect public health and/or safety; or

- c there is a need to ensure a level of security consistent with the purpose of a resource consent; or
- d there are other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

Explanation - In most situations where a reclamation is likely to proceed, public access will already exist along the shoreline, whether it be an esplanade reserve, unformed legal road or some other type of reserve. If no such reserve exists, there is usually a desire for public access to be available. Where a reclamation is undertaken, it is considered that public access to the coast must be preserved through the provision of either an esplanade reserve or a public right of way. Such access should be at least as good a standard as that already existing. Where there is currently no public access, it should be provided if a reclamation is undertaken. In the interests of minimising the amount of space occupied by the reclamation, it might be preferable to use rights of way which provide for shared use, rather than reserves which provide a public area which adjoins the area needed for the primary purpose of the reclamation.

See also Section 5.5

Rule 11.5.2

Policy 10.4.7 - Removal of reclamations and impoundments

Reclamations and impoundments shall be removed when no longer needed for the purpose that they were constructed, where practicable.

Explanation - Removal of such structures will restore the natural functioning and character of the area. It is recognised, however, that it may be impracticable to remove large reclamations or impoundments.

See also Section 11.5

RULES

Rule 10.4.1 - Reclamations of less than two hectares or shorter than 300 metres

Except as provided for by Rule 10.4.5, any activity reclaiming foreshore or seabed which:

- 1 is less than two hectares in area; or
- 2 extends up to or equals 300 metres linear in any direction; or
- 3 which is an incremental reclamation connected to, or part of, another reclamation which was commenced or received a resource consent after 5 May 1994, and the sum of the existing and proposed reclamations are within these dimensions;

is a discretionary activity.

Explanation - The criteria by which any resource consent will be assessed are those contained in the various sections of the Plan. Refer to New Zealand Coastal Policy Statement S1.1.

See also Sections 7.2 and 10.2

Rule 10.4.2¹⁰ - Reclamations greater than two hectares or longer than 300 metres

Except as in Rule 10.4.1, any activity reclaiming foreshore or seabed which:

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

is a non-complying activity activity.

Rule 10.4.3 - Impoundments of less than eight hectares

Except as provided for by Rule 10.4.5, any activity involving the erection of a structure or structures that will impound or effectively contain less than eight hectares of the coastal marine area, is a discretionary activity.

Explanation - The criteria by which any resource consent will be assessed are those contained in the various sections of the Plan. Refer to New Zealand Coastal Policy Statement S1.2.

See also Sections 7.3 and 10.2

Rule 10.4.4¹¹ - Impoundments of eight hectares or more

Any activity involving the erection of a structure or structures that which will impound or effectively contain eight hectares or more of the coastal marine area is a non-complying activity.

Rule 10.4.5 - Reclamations in Fiordland waters and at sites of cultural and heritage value

Any activity reclaiming foreshore or seabed, or impounding any part of the coastal marine area:

- i within the internal waters and open coastal waters of Fiordland;
- ii at sites of cultural, heritage and archaeological value as listed in Appendix 8;
- iii at sites of geological value as listed in Appendix 7;

is a non-complying activity.

Explanation - The coastal marine area of Fiordland contains very high (nationally and internationally) natural character and amenity values, in association with the waters being classified as natural state. Other parts of Southland's coastal marine area contain other cultural, heritage, geological or archaeological values of importance. Such values need to be protected and maintained as far as practicable, therefore a more stringent test in the resource consent application process is considered to be appropriate.

¹⁰ Amended as a result of the New Zealand Coastal Policy Statement 2010

¹¹ Amended as a result of the New Zealand Coastal Policy Statement 2010

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 10.4 are:

10.4.1 Adverse effects from reclamations and impoundments within the coastal marine area are avoided.

10.4.2 A minimum area of foreshore or seabed is reclaimed or impounded.

10.5 The Removal of Sand, Shingle, Shell, or Other Natural Material

Removal of shingle is known to take place at Bravo Island, Frasers Beach and Tihaka. Material is also taken elsewhere, for example, Oreti Beach and Riverton Rocks. There is only one current resource consent for sand or gravel removal from the coastal marine area in Southland. That consent is for gravel removal at Frasers Beach, 3 km east of Fortrose. It is the intent of this Plan to provide for circumstances where it is appropriate to take beach materials either as of right, not at all, or subsequent to the granting of a resource consent.

Sand, shell and shingle (or other natural material) removal is dealt with under both the Crown Minerals Act and the Resource Management Act. The Crown Minerals Act allocates prospecting, exploration and mining rights to Crown-owned minerals while the Resource Management Act deals with the effects of removal. Although sand, shell and shingle within the coastal marine area are, by definition, Crown-owned minerals, the Crown Minerals Act does not apply to them unless the Minister of Commerce so specifies in a minerals programme. Presently, there is no such programme, and hence no authorisation is required from the Crown (at this stage) to extract any such material from the coastal marine area. There are no other Crown regulations requiring payment of a royalty for the use of this resource.

In most cases, where it is proposed to extract any sand, shell, and shingle (or other natural material) from within the coastal marine area, a coastal permit will be required. This ensures that the environmental effects associated with any such removal can be assessed, and be mitigated or avoided to the fullest possible extent.

Section 112 of the Resource Management Act includes a provision to the effect that any person removing any sand, shingle or shell, or other natural material from any land of the Crown shall pay any sum of money required to be paid by any regulations. Shingle is defined as "*material of gravel or pebble grade accumulated on beaches or off-shore bars*" (Penguin Dictionary of Geology, 1978:411). Gravel and pebble grades are defined in the Wentworth-Udden Scale given in the Penguin Dictionary of Geology. This scale is widely accepted as an international standard. Within most of the groups, shown below, further subdivision is possible; for example both gravel and sand may be described as fine, medium or coarse.

Wentworth-Udden Scale	
<u>Size Range</u>	<u>Particle</u>
>256 mm	Boulder
64-256 mm	Cobble
4-64 mm	Pebble
2-4 mm	"Granule", gravel
1/16-2 mm	Sand
1/256-1/16 mm	Silt
<1/256 mm	Clay

(Source: Penguin Dictionary of Geology, 1978:340)

Adverse effects that could arise from the removal of sand, shingle, shell and other natural material within the coastal marine area include:

- a **Coastal erosion** - the wider coastal sediment system must adjust to any changes in equilibrium. Removing sand, shell, shingle, or other natural material from the systems may well trigger beach erosion in places;
- b **Ecological effects** - this can result from the direct disturbance or removal of habitat and the smothering of benthic communities by sedimentation;
- c **Natural character, landscape and amenity** - there are large areas of Southland that are of outstanding value in terms of natural character, landscape and amenity. The removal of sand, shingle, shell or other natural material could detract from the value of an area. The act of removal is likely to impact on the way people value an area, especially in more remote areas with high degrees of naturalness. Issues such as noise, detraction from visual values, and access are likely to arise with any mechanical removal operation;
- d **Cultural heritage** - the removal of sand, shingle, shell or other natural material could disturb or destroy areas of cultural and historical significance. For tangata whenua the coast and its beaches have significance for gathering mahika kai, as tauraka waka and some contain natural and physical features that are significant in tribal lore. Some beaches also contain midden and burial sites. Evidence of early European activity, particularly relics of the whaling and sealing days, is apparent on some beaches.

ISSUES

Issue 10.5.1 - While some beach sands and gravels are useful for certain construction purposes, their removal can upset the natural coastal balancing process and lead to erosion

See also Section 12

Objective 10.5.1
Policies 10.5.1, 10.5.2, 10.5.3,
10.5.5 and 10.5.8
Rules 10.5.1, 10.5.2 and
10.5.4

Issue 10.5.2 - Removal of sand, shingle, shell, or other natural materials from areas of archaeological or heritage sites can diminish cultural and heritage values

See also Section 5.7

Objective 10.5.1
Policy 10.5.7
Rules 10.5.4 and 10.5.9

Issue 10.5.3 - Several Southland beaches contain gold and platinum deposits which have been mined in the past and could be mined in the future (for example, Tiwai Point to Slope Point, Te Waewae Bay)

See also Sections 5.1, 5.3, 5.4, 7.3, 10.1 and 10.2

Objective 10.5.1
Policies 10.5.4 and 10.5.5
Rules 10.5.4 and 10.5.6

Issue 10.5.4 - Removal of sand, shingle, shell or other natural material from the foreshore disturbs the area, and can diminish natural character, landscape and amenity values of the area

See also Sections 5.1, 5.3, 5.4, 7.3, 10.1 and 10.2

Objective 10.5.1
Policy 10.5.6
Rules 10.5.1, 10.5.3, 10.5.4
and 10.5.7

Objective 10.5.1
Policies 10.5.6, 10.5.8 and
10.5.12
Rule 10.5.13

Issue 10.5.5 - Removal of cockle-shell may have an adverse effect on a significant habitat for indigenous fauna

See also Section 5.4

Objective 10.5.2
Policy 10.5.13
Rule 10.5.14

Issue 10.5.6 - Removal of fossil forest rock along the Curio Bay area could adversely affect the unique natural character of the area

See also Sections 5.1, 5.3

OBJECTIVES

Policies 10.5.1, 10.5.2, 10.5.3,
10.5.4, 10.5.5, 10.5.6, 10.5.7,
10.5.8, 10.5.9 and 10.5.12
Rules 10.5.1, 10.5.2, 10.5.3,
10.5.4, 10.5.5, 10.5.6, 10.5.7,
10.5.8, 10.5.9, 10.5.10, 10.5.12,
10.5.13 and 10.5.14

Objective 10.5.1 - Removal of sand, shingle, shell or other natural material

To ensure that removal of any sand, shingle, shell, or other natural material occurs at a sustainable rate of removal and avoids significant adverse effects.

Explanation - The removal of sand, shingle, shell or other natural material from the coastal marine area can adversely affect the immediate location from which removal takes place as well as downdrift areas if too much is taken. Natural materials are in finite supply and need to be managed to take this into account.

Policy 10.5.13
Rule 10.5.14

Objective 10.5.2 - Protection of fossilised forest rock of Curio Bay

To protect the fossilised forest rock of Curio Bay – Fortrose Coastline.

Explanation - Exposures of fossilised rock and boulders, cobbles and pebbles thereof are a defining characteristic of this coastline. Geologically, they are of at least regional significance.

POLICIES

Rules 10.5.2, 10.5.4 and 10.5.7

Policy 10.5.1 - Accumulation a prerequisite of removal

Permit the removal of sand, shell, shingle or other natural material, excluding precious metals, only where it can be shown that the material is accumulating at the point of removal and other options of less impact are not available.

Explanation - This policy is intended to promote the sustainable use of resources. There are places that some materials will not accumulate, for example, sand and shingle in estuaries, and the policy seeks to protect such areas from removal. Policy 4.1.6 of the New Zealand Coastal Policy Statement is relevant to this policy.

See also Section 4.2

Rule 10.5.3

Policy 10.5.2 - Restrict removal from the foreshore of estuaries and harbours

Restrict the removal of sand, shell, shingle or other natural material, from the foreshore of estuaries and harbours and other areas where little net accumulation of such material occurs.

Explanation - Within these areas there is very limited opportunity for sand, shell, shingle or other natural material to be replenished, and as a consequence the removal of such material from the foreshore of estuaries will not be sustainable. The apparent resource is often little more than an armouring layer overlying other sediments.

Policy 10.5.3 - Removal from seabeds

Rules 10.5.5 and 10.5.9

Avoid, except where removal occurs for reasons of navigation safety, remedy or mitigate adverse effects of removing of natural material from the seabed.

Explanation - Removal of natural material from the seabed is sometimes necessary to maintain safe and efficient navigation channels. In such instances, it is impossible to avoid some adverse effects on benthic vegetation and fauna in that area. However, in other situations, such effects should be avoided, remedied or mitigated if possible. Changes to the environment resulting from the removal of material and the disturbance of the seabed can result in habitat changes and can make areas unsuitable for some vegetation and fauna. Water quality can also be temporarily adversely affected by suspended sediments resulting from the removal of natural material.

It is also necessary to recognise the interaction between the seabed morphological processes, the beach profiles and beach materials. If seabed material is removed, the natural balance between the seabed and beach could alter. The beach profile alters to accommodate that change. This may lead to erosion of the foreshore at the point of disturbance or downdrift from it.

See also Section 10.1

Policy 10.5.4 - Removal of precious metals and any ores

Rule 10.5.6

Where the removal of precious metals and any ores occurs, all other excavated materials must be returned to the site of excavation.

Explanation - It is recognised that it is difficult to extract precious metals on a sustainable basis. Where they are extracted, adverse effects of mining can be reduced by returning surplus uncontaminated material to the location from where it was taken.

See also Section 5.1

Policy 10.5.5 - Removal rate

Rules 10.5.2, 10.5.4 and 10.5.5

The removal rate of sand, shell, shingle or other natural materials, except precious metals, shall not exceed the rate of natural accumulation.

Explanation - This policy seeks to sustainably manage resources. It is recognised that sustainability can still be achieved by extracting accumulated material at a rate greater than accumulation in the short term, such as when a new removal operation commences. Such initial removal, however, should not be of a volume that significantly affects the appearance of the location, or permanently impacts on coastal processes or ecology.

Policy 10.5.6 - Protection of beach profiles and character

Protect beach profile and character from the effects of removal of sand, shell, shingle, and any other natural materials.

Explanation - In this context, character refers to the nature of the beach. For example, it would be undesirable for a beach with a natural range of rock sizes to be denuded of only small materials, thereby possibly making the beach unsuitable for recreational use.

See also Section 5.1

Rule 10.5.9

Policy 10.5.7 - Protect sites of cultural, heritage, archaeological and geological values

Protect sites of cultural, heritage, archaeological and geological values from the adverse effects of removal of sand, shell, shingle, and any other natural materials.

Explanation - There are sites in the coastal marine area which contain cultural, heritage, archaeological and geological values which need to be protected from the adverse effects of removal of sand, shell, shingle, and any other natural materials. If removal in such sites did occur without consent, the values themselves could easily be removed from the area, both physically and spiritually. For example, the removal of ventifacts while extracting gravel.

See also Sections 5.6, 5.7, Appendix 7 and Appendix 8

Rule 10.5.1

Policy 10.5.8 - Removal of sand, shell and gravel from Oreti Beach for private use

Provide for the removal of sand, shell and gravel from Oreti Beach for private use where this is undertaken in a manner and at a scale that does not adversely affect the beach.

Explanation - Small numbers of people occasionally seek to remove sand, shell or gravel from areas within the coastal marine area. This is of low impact and generally has little impact upon natural coastal processes. Oreti Beach is one area where this practice is considered appropriate, and the policy provides for this practice to continue. Oreti Beach is subject to accretion and erosion, but the general trend is towards accretion.

Rule 10.5.9

Policy 10.5.9 - Removal of rock

Avoid the removal of rock from the coastal marine area in circumstances where such removal could result in changes to coastal processes.

Explanation - Rock helps reduce coastal energies, and its removal can result in changes to coastal processes. For that reason, its removal from areas where coastal processes could be affected will not be allowed, and except for exceptional circumstances, it is unlikely that any application to carry out such activities from foreshore areas will be approved. It is recognised, however, that in some circumstances, such as the deepening or construction of channels to provide access to ports, it is necessary to undertake removal of rock. This should be undertaken in such a manner so as to minimise any potential adverse effects.

See also Sections 4.2 and 12

Rule 10.5.11

Policy 10.5.10 - Crushing and screening of gravel

Avoid the crushing and screening of gravel in the coastal marine area.

Explanation - The crushing and screening of gravel results in noise and discharges of dust and particulate matter to air. It is not necessary to locate this activity in the coastal marine area.

See also Sections 4.2, 5.3 and 8

Policy 10.5.11 - Removal of driftwood from the foreshore

Rule 10.5.7

Provide for the removal of driftwood from the foreshore.

Explanation - Driftwood is often collected in small amounts by members of the public for various purposes. This activity does not cause any significant adverse effects.

Policy 10.5.12 - Protection of shell banks providing significant habitat for indigenous fauna

Rule 10.5.13

Protect indigenous fauna habitat values provided by shell banks.

Explanation - Shell banks can provide significant habitat for indigenous fauna and it is appropriate in such cases to provide for their protection. For example, the shell banks at Paterson Inlet are an important feeding and roosting area for the endangered Stewart Island dotterel and the shell banks in the New River Estuary are significant breeding habitats for Caspian Terns.

Policy 10.5.13 - Protection of fossil jurassic forest rock

Protect the fossil jurassic forest rock along the foreshore and seabed between Porpoise Bay and Fortrose.

Explanation - The fossil jurassic forest outcrops occur in several areas along the Fortrose, Porpoise Bay coast. These outcrops and weather boulders and cobbles give the coastline a distinctive character.

RULES

Rule 10.5.1 - Non-mechanical removal of sand, shell, shingle or other natural material from the foreshore of the open coast

Except as provided for by Rules 10.5.2, 10.5.4, 10.5.6, 10.5.7 and 10.5.8, the non-mechanical removal of any sand, shell, shingle, or any other natural material (excluding live vegetation) other than boulders or rock from the foreshore of the open coast, including open coastal bays, provided:

- a that the volume taken at any time does not exceed one cubic metre; and
- b in the case of Horseshoe Bay, the Stewart Island Community Board is informed prior to the removal;

is a permitted activity.

Explanation - Non-mechanical removal includes the manual shovelling of material and excludes the use of any mechanical means such as a digger or suction dredge. Unless specifically stated, this Rule does not apply to enclosed waters, such as harbours, estuaries, inlets or fiords. It does include open coastal bays. On open beaches, there will be opportunity for natural replenishment so the removal of small volumes of sand, shell, shingle, or other natural material other than rocks will not have an adverse effect. The number of people that are likely to remove sand is considered to be small. If the intensity of such activity is likely to increase to a level that could give rise to problems, or the area is particularly sensitive to the removal of even small amounts of material, this activity could be subject to more stringent controls. Horseshoe Bay is one beach on which erosion has been a problem in the past, although most sand is taken from the

southern end where erosion is not a problem. It is considered, however, that it would be useful to monitor the amount of sand that is being extracted.

All Pounamu (as defined in the Ngai Tahu (Pounamu Vesting) Act 1997) is the property of Te Runanga o Ngai Tahu. In addition to any requirements of this Plan the taking of any quantity of Pounamu in its natural condition from the Takiwa of Ngai Tahu Whanui and any part of the coastal marine area adjacent to it requires the express consent of Te Runanga o Ngai Tahu.

Rule 10.5.2 - Non-mechanical removal of sand, shell, shingle or other natural material

Except as provided for by Rules 10.5.1, 10.5.5, 10.5.7, 10.5.8 and 10.5.9, the non-mechanical removal of any sand, shell, shingle, or any other natural material (excluding live vegetation) other than boulders or rock from the foreshore of the open coast, including open coastal bays is a discretionary activity.

Explanation - Where the non-mechanical removal of any sand, shell, shingle or any other natural material is intended in a manner not provided for by Rule 10.5.1 then it is appropriate for that to be considered by way of resource consent for a discretionary activity.

All Pounamu (as defined in the Ngai Tahu (Pounamu Vesting) Act 1997) is the property of Te Runanga o Ngai Tahu. In addition to any requirements of this Plan the taking of any quantity of Pounamu in its natural condition from the Takiwa of Ngai Tahu Whanui and any part of the coastal marine area adjacent to it requires the express consent of Te Runanga o Ngai Tahu.

See also Section 4.2

Rule 5.4.2.7

Rule 10.5.3 - Removal of live vegetation from the coastal marine area

Except for Rule 10.5.9, the removal of live vegetation, except for those species listed in Rule 5.4.2.7, from the coastal marine area, whether by mechanical or non-mechanical means is a discretionary activity.

Explanation - Vegetation acts as a binding agent for sand and gravel. It is a natural barrier against erosion. This Rule is also aimed at protecting areas of significant vegetation and significant habitats of indigenous fauna as well as natural character. This rule does not apply to the lawful harvesting of vegetation under the Fisheries Act 1996, that being an activity managed by the Ministry of Fisheries, for which a permit is required.

See also Sections 5.1, 5.4 and 12

Rule 10.5.4 - Disturbance of the Foreshore and Seabed in Fiordland – Non-complying

Except as provided for in Rules 10.5.1 and 10.5.7, the disturbance of the foreshore and seabed within the internal waters and open coastal waters of Fiordland, including the removal of sand, shell, shingle or other natural material:

- 1 in volumes less than or equal to 50,000 cubic metres; and
- 2 extracted from areas less than four hectares; and
- 3 extending up to 1,000 metres over foreshore and seabed;

is a non-complying activity.

Explanation - The internal waters and open coastal waters of Fiordland are of national and international importance and contain very high values that need to be protected from inappropriate use and development. Such values include high amenity and natural

character, as well as significant areas of indigenous vegetation and significant habitat for indigenous fauna.

All Pounamu (as defined in the Ngai Tahu (Pounamu Vesting) Act 1997) is the property of Te Runanga o Ngai Tahu. In addition to any requirements of this Plan the taking of any quantity of Pounamu in its natural condition from the Takiwa of Ngai Tahu Whanui and any part of the coastal marine area adjacent to it requires the express consent of Te Runanga o Ngai Tahu.

Rule 10.5.5¹² - Disturbance of the Foreshore and Seabed in Fiordland – Non-complying

Except as provided for in Rules 10.5.1 and 10.5.7, the disturbance of foreshore and seabed within the internal waters and open coastal waters of Fiordland, including the removal of sand, shell, shingle or other natural material:

- 1 in volumes greater than 50,000 cubic metres;
- 2 extracted from areas equal to or greater than four hectares; or
- 3 extending 1,000 metres or more over foreshore and seabed;

is a non-complying activity.

Explanation - The internal waters and open coastal waters of Fiordland are of national and international importance and contain very high values that need to be protected from inappropriate use and development. Such values include high amenity and natural character, as well as significant areas of indigenous vegetation and significant habitat for indigenous fauna.

All Pounamu (as defined in the Ngai Tahu (Pounamu Vesting) Act 1997) is the property of Te Runanga o Ngai Tahu. In addition to any requirements of this Plan the taking of any quantity of Pounamu in its natural condition from the Takiwa of Ngai Tahu Whanui and any part of the coastal marine area adjacent to it requires the express consent of Te Runanga o Ngai Tahu.

See also Section 5.1 and 5.3

Rule 10.5.6 - Removal of precious metals and metal ores from any part of the coastal marine area

Removal of precious metals and metal ores from any part of the coastal marine area, is a discretionary activity.

Explanation - A formal process is required to ensure that such activities will not result in permanent adverse effects.

Rule 10.5.7 - Removal of driftwood from the foreshore

The manual removal of driftwood from the foreshore, is a permitted activity.

Explanation - Driftwood is collected for firewood, floral decoration or other artistic purposes. Usually, removal involves only a small amount of the total material deposited and the use of manual methods avoids any damage to the foreshore. Monitoring will determine if the amount of driftwood removal is likely to cause problems. Some areas may be particularly sensitive to the removal of even small amounts of material. If these types of problems occur, the Rule will be reviewed.

¹² Amended as a result of the New Zealand Coastal Policy Statement 2010
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Rule 10.5.8 - Removal of sand, shell, shingle or other natural material from the foreshore or seabed for specific purposes

Except as is provided for in Rules 10.5.1, 10.5.7 and 10.5.9, the removal of sand, shell, shingle or other natural material from the foreshore and seabed for specific purposes:

- 1 in volumes less than or equal to 50,000 cubic metres; and
- 2 extracted from areas less than four hectares; and
- 3 extending up to 1,000 metres over foreshore and seabed;

is a discretionary activity.

Explanation - This is derived from Schedule 1.6 of the New Zealand Coastal Policy Statement. The effects of activities need to be avoided, remedied or mitigated and the most appropriate sites for removal need to be located. Regardless of the time scale of an activity the effects of removal which will vary from site to site, may have significant adverse effects.

All Pounamu (as defined in the Ngai Tahu (Pounamu Vesting) Act 1997) is the property of Te Runanga o Ngai Tahu. In addition to any requirements of this Plan the taking of any quantity of Pounamu in its natural condition from the Takiwa of Ngai Tahu Whanui and any part of the coastal marine area adjacent to it requires the express consent of Te Runanga o Ngai Tahu.

Rule 10.5.9¹³ - Disturbance of the foreshore or seabed at sites of cultural, heritage, archaeological or geological value

The disturbance of the foreshore or seabed at sites of:

- 1 cultural, heritage and archaeological value as listed in Appendix 8, or
- 2 geological value as listed in Appendix 7;

is a non-complying activity.

Explanation - Principle 8 of the New Zealand Coastal Policy Statement states that “cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible”. In addition to this, Policy 1.1.3 of the New Zealand Coastal Policy Statement also reinforces that “it is a national priority to protect features, which in themselves, or in combination, are essential or important elements of the natural character of the coastal environment”. Such features includes historical, cultural, and significant geological sites and landforms. *See also Sections 5.6, 5.7, Appendix 7 and Appendix 8*

Rule 10.5.10¹⁴ - Removal of sand, shell, shingle or other natural material

The removal of sand, shell, shingle or other natural material from the foreshore or seabed:

- 1 in volumes greater than 50,000 cubic metres;
- 2 extracted from areas equal to or greater than four hectares; or
- 3 extending 1,000 metres or more over foreshore and seabed;

is a discretionary activity.

¹³ Reference was withdrawn by NZAS 1077/00 on 19 December 2002

¹⁴ Amended as a result of the New Zealand Coastal Policy Statement 2010

Explanation - The effects of removal on this scale may be irreversible and quite substantial to the natural character and amenity values of the coastal marine area.

Rule 10.5.11 - Crushing and screening of gravel in coastal marine area

The crushing and screening of gravel in the coastal marine area is a non-complying activity.

Explanation - The coastal marine area is not functionally necessary for the location of crushing or screening of gravel. Landward sites are usually more appropriate, where the adverse effects of noise and discharges of dust and particulate matter to air are less likely to impact on public spaces.

See also Sections 5.3 and 8

Rule 10.5.12 - Removal of sand, shingle or other natural material from the foreshore prohibited

The removal of sand, shingle or other natural material by mechanical means from the foreshore

- of Ringaringa Beach on Stewart Island;
- of Colac Bay west of map reference D46/175155;
- of Bluecliffs Beach;

is a prohibited activity.

Explanation - The removal of rock from the foreshore of Ringaringa Beach in the past is thought to have accelerated the natural process of erosion and has resulted in the degradation of this beach. The road along the bank above Ringaringa Beach has been re-routed twice in the past and is now being re-routed for a third time. It is imperative that no more natural material be removed from this beach so that nature can establish a new equilibrium.

The western end of Colac Bay has historically been subject to erosion. Despite significant rock protection, such erosion continues to be a problem. The removal of beach material will only exacerbate such problems.

Bluecliffs Beach is eroding to the extent that part of the access road above and parallel to the beach is now unusable while the remaining road is threatened.

Rule 10.5.13 - Removal of shell prohibited

It is a prohibited activity to remove from the shell banks at the head of Paterson Inlet and from the New River Estuary.

Explanation - The habitats provided by shell banks are not extensive and as such are very vulnerable to any removal of their constituent material. The habitat provided by these shell banks is significant and it needs to be subject to the highest level of protection.

Rule 10.5.14 - Fossilised Forest Rock

The removal of fossilised Jurassic material from the foreshore or seabed from the area between the Waikawa River mouth and the Toetoes Estuary mouth is a prohibited activity.

Explanation - It is envisaged that the removal of fossilised Jurassic material will only be appropriate in exceptional circumstances, or in very small quantities.

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 10.5 are:

- 10.5.1 Sand, shingle, shell, or other natural material is removed at a sustainable rate and significant adverse effects are avoided.**
- 10.5.2 Appropriate protection of sites of cultural, heritage, archaeological or geological value.**
- 10.5.3 Preserve the distinctive natural character of the Waikawa River Mouth to Toetoes Estuary coastline.**

11 STRUCTURES¹

11.1 Introduction

Within the coastal marine area, some structures are necessary to enable people and communities to provide for their social, economic and cultural well-being. For example, structures like boat ramps, jetties and wharves, navigation aids, and slipways, can all provide community benefit and enhance the enjoyment and general use of the coastal environment. Coastal structures in many ways define the built character of the coastal environment, which, while not natural, may have a charm in itself, as many a photograph or painting will testify. However, structures can also give rise to adverse effects such as reduced visual amenity, loss of public access, loss of habitat, and reduced natural character. The natural character of an area, which in itself may not be easily definable, is a very important background factor, regardless of the activity being undertaken. The presence of structures in the coastal marine area can also restrict the use of an area by other lawful activities and limit the availability of that area for potential activities that may have a greater operational need for a coastal locality.

Structures are defined by the Resource Management Act as "any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft." "Land" includes the seabed and "raft" is further defined to include any moored floating platforms that provide buoyancy support.

The definition of structures includes marine farming structures, but does not include fishing equipment used to harvest populations of aquatic organisms covered by the Fisheries Act.

Within the coastal marine area of Southland, the most common structures are:

- i maimais
- ii whitebait stands
- iii navigation aids
- iv seawalls
- v jetties and wharves
- vi boatsheds
- vii launching ramps
- viii pipelines, drains (including tidal flap gates) and cables in, on or over the seabed or foreshore
- ix marine farms
- x erosion protection works
- xi power and telephone poles/pylons and lines
- xii fences
- xiii floating fishing bases including helicopter pads
- xiv moorings
- xv bridges

Some of the structures within the coastal marine area have been approved under the provisions of previous legislation, such as the Harbours Act 1950 and the Marine Farming Act 1977. Some have not been approved or have only partial approval and are therefore unlawful. Other activities that would be classified as structures include artificial reefs and underwater cages.

While some structures are necessary and desirable within the coastal marine area to provide for its use and development, for example navigation aids, in some areas structures may be inappropriate. The appropriateness of any structure in the coastal marine area will be assessed by considering the structure's effects and need to be located in this area. Appropriateness can be measured against the policies in this plan, only some of which are in this section. (See also Sections 1-16, in particular

¹ Consent Order dated 17 August 2004 allowed modification to the relevant parts of Section 11, the reference was otherwise dismissed.

Sections 4.2, 5.3, 12, 13, 11.7, 15, which may also be applicable, depending on the type of structure.)

This section addresses activities principally to provide certainty and clarity to people who wish to erect structures in the coastal marine area. This approach results in a degree of overlap with other sections of this Plan, which are orientated more towards the effects of activities.

See also Section 4.6

11.2 Erection or Placement of Structures

ISSUES

Issue 11.2.1 - Structures in the coastal marine area often require exclusive occupation of public space and may alienate the use of that space by the public

See also Section 4.4

Objective 4.4.1
Policies 11.2.2, 11.2.3, 11.2.8,
11.2.9 and 11.2.13

Issue 11.2.2 The location, size, design, and/or exterior finishing and colouring of structures in the coastal marine area and coastal environment can give rise to adverse effects. These include:

- **loss of natural character**
- **loss of values of outstanding natural features and landscapes**
- **diminished amenity values**
- **diminished tangata whenua values**
- **visual impacts (including loss of views)**
- **lighting and glare from external surfaces of the structure (day and night)**
- **impacts on sediment transport**
- **loss of public access**
- **loss of areas suitable for water-based recreation**
- **interference with navigation**
- **loss of habitat**
- **disturbance of the seabed**
- **loss of archaeological and heritage sites and structures**

See also Sections 4.6, 4.7, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 10, 12, 14

Objectives 10.2.1, 11.2.3 and
11.2.4
Policies 11.2.1, 11.2.2, 11.2.5,
11.2.6, 11.2.7, 11.2.16 and 11.2.17
Rule 11.2.6

Issue 11.2.3 - The coastal marine area is a finite resource and the number of suitable sites for some structures is limited, and as a consequence both structures and space must be utilised efficiently.

See also Sections 5.8 and 9.1

Objectives 5.8.1, 11.2.1 and
11.5.1
Policies 9.1.3, 10.4.7, 11.2.2,
11.2.3 and 11.5.1
Rules 11.5.1 and 11.5.2

Objective 11.2.2
Policies 11.2.3, 11.2.4, 11.2.8
and 11.2.18

Issue 11.2.4 - Structures located in the coastal marine area provide social, economic and safety benefits to the community that need to be recognised

See also Sections 4.5 and 5.10

Objective 11.4.1
Policies 11.2.10, 11.2.11,
11.2.15, 11.4.1, 11.4.2, 11.4.3
and 11.4.4
Rules 11.4.1, 11.4.2, 11.4.3,
11.4.4 and 11.4.5

Issue 11.2.5 - Any structures built in the coastal marine area need to be soundly constructed and properly maintained to protect human safety

See also Sections 5.3 and 11.3

OBJECTIVES

Policies 11.2.1, 11.2.2, 11.2.3,
11.2.4, 11.2.7, 11.2.8, 11.2.9,
11.2.13, 11.2.14, 11.2.15 and
11.2.17
Rules 11.2.3, 11.2.4, 11.2.5,
11.2.6 and 11.2.8

Objective 11.2.1 - Location of structures

To ensure that structures are located in the most appropriate site so as to avoid, remedy or mitigate adverse effects of their presence.

Explanation - Structures need to be located at sites most appropriate for the structure's intended function as well as for the natural character and environmental considerations of the location concerned. Effects of having the structure in the coastal marine area need to be avoided, remedied or mitigated as much as possible.

See also Sections 4.2, 5.1, 5.3, 5.5 and 5.7

Policies 11.2.3, 11.2.4, 11.2.8,
11.2.9, 11.2.10, 11.2.11, 11.2.12
and 11.2.18

Objective 11.2.2 - Social, economic and safety benefits

To recognise the social, economic, cultural and safety benefits of structures in the coastal marine area.

Explanation - Structures in the coastal marine area provide for social, economic, cultural and safety benefits. These benefits include employment, recreational and enjoyment opportunities as well as navigation safety.

See also Sections 4.5, 5.1, 5.3, 5.5 and 5.7

Policies 11.2.1, 11.2.16 and
11.2.17

Objective 11.2.3 - Exterior of permanent structures/buildings

To ensure, where appropriate, that any permanent structure/building is of a form and is finished in materials and of colours which blend into the natural character of the area.

Explanation - The exterior of permanent structures/buildings should not detract from the coastal environment in which it is located. However, the function of some structures requires that they be easily identifiable and not blend in with their surroundings. Structures of this type, for example navigation aids and warning signs, are erected for safety purposes.

See also Sections 5.1, 5.3, 5.5, 5.7 and 20

Policy 5.3.4
Rules 11.2.1 and 11.2.2

Objective 11.2.4 - Lighting and glare

To ensure that lighting and glare do not adversely affect the natural character, amenity and navigation safety of the coastal marine area, nor residential amenity and traffic safety on land.

Explanation - The natural character, amenity and navigation safety of the coastal marine area and residential amenity and traffic safety on land need to be maintained and enhanced.

See also Sections 5.1, 5.3, 5.5 and 5.7

POLICIES

Policy 11.2.1 - New structures and extensions to existing structures

Rules 11.2.1, 11.2.1, 11.2.3, 11.2.4, 11.2.5, 11.2.6, 11.2.7, 11.2.8, 11.2.9, 11.4.2, 11.4.4 and 11.4.5

Avoid, wherever practicable, remedy or mitigate any adverse effects associated with the presence and construction of new structures, and extensions to existing structures, in the coastal marine area.

Explanation - There are many adverse effects that structures can have on the coastal marine area. In some instances, certain types of structures will be inappropriate, while in others they may be acceptable provided they are designed and constructed to take into account the nature of the environment in which they are located. Any adverse effects will be avoided wherever practicable in the first instance, and remedied or mitigated where complete avoidance is not practicable. As Section 4.6 of the Plan notes, concentration of compatible activities in areas of existing use is preferred to using undeveloped areas in the coastal marine area.

See also Sections 4.2, 4.6, 5.3, 11.4, 11 and 20

Policy 11.2.2 - Temporary rather than permanent structures

Rule 11.2.6

Encourage temporary structures in the coastal marine area where permanent structures are not necessary.

Explanation - If structures are only needed for a short time or for a small part of the year on an annual basis, they should be removed when not needed wherever practicable, to reduce adverse effects on visual amenity, natural character and navigation safety. (This policy is not applicable to whitebait stands that are covered by policies and rules in Section 11.7).

See also Sections 5.3, 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10, 11.8

Policy 11.2.3 - Public benefit

In considering the use and development of the coastal marine area, preference will be given to structures that provide public benefit.

Explanation - Where a preferential use is proposed, it is preferable that the public right to use that space remains even though the potential uses may change. In this way, the public can benefit from the structure as well as the owner. Public benefit may include direct public benefits, such as access to or use of a facility provided by the structure, or provision of a service or indirect benefits, which contribute to the community's social or economic well-being.

See also Sections 4.2, 4.4, 4.5, 9 and 15

Policy 11.2.4 - Reduction or waiver of financial contributions

Where use and development of the coastal marine area is appropriate, and public benefit arises, financial contributions for the use and occupation of the coastal marine area can be reduced or waived.

Explanation - In such situations, structures may give rise to positive effects greater than the adverse effects that arise from their presence or construction, in which case a financial contribution to mitigate any unavoidable adverse effects would be inappropriate.

See also Sections 4.5, 15 and 17

Policy 11.2.5 - Structures to be marked

Structures that could cause an impediment to safe navigation and are not readily visible shall be marked and/or lit in a manner that indicates the extent of the structure.

Explanation - Some structures close to the water surface are difficult to see unless they are prominently marked. The extent to which they need to be lit will depend on the amount of night usage of a particular waterway. Any construction of navigation aids will also need sanction from the Director of Maritime Safety pursuant to Section 200 of the Maritime Transport Act 1994.

See also Sections 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10, 11.8

Policy 11.2.6 - Consultation with the Maritime Safety Authority and Harbourmasters

Consult with the Maritime Safety Authority (MSA) and Harbourmaster/s to assess the potential effects of structures and reclamations on navigation safety.

Explanation - The Maritime Safety Authority and Harbourmasters are sources of expertise on the activities of ships within the areas for which they have responsibilities under the Harbours Act 1950 and activities that may adversely affect the safe navigation of those ships. They are, therefore, in a good position to advise on methods of avoiding, remedying or mitigating potential effects. Consultation with the Maritime Safety Authority and Harbourmaster/s should be undertaken and any advice incorporated in the resource consent application as required under Section 18.4 of the Plan.

See also Sections 10.4, 11.7, 11.8 and 18

Policy 11.2.7 - Predator free islands

Avoid the erection of structures located within the coastal marine area where there is a likelihood of rats, cats, dogs (other than those used by the Department of Conservation for species management purposes) and mustelids obtaining access to islands free of these predators.

Explanation - Depending on currents, rats and mustelids (stoats, weasels, and ferrets) can swim some considerable distance and any structure onto, or from which a rat or mustelid could be transferred near to a rat free island, would put that status at risk. As significant resources have been applied to achieving rat free status for some islands, there is a need to ensure that this value is not compromised. The introduction of cats or dogs would also compromise indigenous fauna.

See also Sections 5.4, 11.7.7 and 11.7.8

Policy 11.2.8² - Need for structures within the Bluff Port Zone

Recognise the need to erect, reconstruct, maintain place, alter and remove or demolish structures that are essential to enable the transfer of goods or ships, or to enable safe and efficient berthage and safe navigation of ships in Bluff Harbour within the Bluff Port Zone.

Explanation - The Bluff Port Zone contains most of the existing structures essential to the port activities carried out in Bluff Harbour, as well as other facilities for recreational boating. It is a substantially modified environment within which there will be an ongoing need for further structures and maintenance and alteration of those that already exist. In undertaking such activities, it will be possible to minimise or offset some potential adverse effects. However, given that the facilities in the Bluff Port Zone

² Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

are key infrastructural asset to the region, activities in the Bluff Port Zone do have positive effects.

See also Sections 11.4, 11.5 and 11.7.10

Policy 11.2.9 - Construction within the Bluff Port Zone in preference to other areas

Avoid the erection or placement of structures associated with ships, or the import and export of cargo outside of the Bluff Port Zone, except where:

- i there is a functional need;**
- ii it is not practicable to use an area in the Bluff Port Zone;**
- iii it is not practicable to use an existing facility in the Bluff Port Zone.**

Explanation - To minimise the effects of port activities, it is preferable that port structures be concentrated rather than spread about the harbour. To enable such activities to occur within the Bluff Port Zone with a minimum of consent process, some consideration was given to categorising them as controlled activities. However, given that these activities could vary widely and are difficult to anticipate, it is considered that they should be discretionary and incorporate design elements or maintenance procedures to minimise their impact on the wider coastal environment.

Policy 11.2.10 - Soundness and safety

Any structure in the coastal marine area is to be designed, constructed, and maintained in a manner which ensures that its soundness and safety is not compromised by its use, corrosion, the action of marine organisms, or fluvial or coastal processes.

Explanation - The design of structures will need to consider the effects of climate extremes, wave and current action. It should be noted that if damage to property occurs as a result of an unsafe structure, the owner is likely to be liable for damage.

See also Section 11.4

Policy 11.2.11 - Building consents

On receipt of a resource consent application for a structure, the need for a building consent will be determined on a case-by-case basis.

Explanation - Unless otherwise provided by the First schedule of the Building Act 2004 it will be necessary to obtain building consents for structures in the coastal marine area. Building consents are not necessary for all structures, but unless any buildings are specified in the First schedule of the Building Act 2004, blanket exemptions cannot be provided for.

It is considered to be extremely unlikely that building consents would be required for whitebait stands. However, a building consent may be required in some cases. It should be noted that any platform, bridge or the like from which it is not possible to fall more than one metre, even if it collapses, does not require a building consent. It should also be noted that under Section 17 of the Building Act 2004, all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work.

The issuing and monitoring of building consents is a territorial authority role which creates a cross boundary issue when a building consent is required for a structure that straddles the coastal marine area boundary. For the purposes of the Building Act, regional councils are territorial authorities within the coastal marine area.

In practice, the Southland Regional Council utilises the skills and expertise of the territorial authorities to process these building consents, but the Southland Regional

Council issues them. The Southland Regional Council may delegate authority to the territorial authorities for monitoring during the construction period of buildings.
See also Sections 11.4 and 20

Policy 11.2.12 - Safety considerations for structures that do not require a building consent

Safety considerations of whitebait stands, maimais and other infrequently used structures close to the water surface that do not require a building consent, will be dealt with as part of the resource consent process.

Explanation - If it is deemed that a structure does not require a building consent, any residual concerns can be addressed by the resource consent process. Such concerns are likely to be very minor for if they were significant the structure should really have a building consent.

See also Sections 11.4, 11.7.1 and 11.7.2

Policy 11.2.13 - Cables, wires and lines

Encourage the suspension of cables, aerial wires, power or telephone lines across the coastal marine area adjacent to, or where practicable, attached to bridges, roads or other structures.

Explanation - Suspended cables, aerial wires, power and telephone lines across navigable water can be a hazard to navigation for ships and aircraft, especially where they are electrified. They are an unexpected obstruction in an air space, which is generally free of obstructions. They can also have a visual impact. Both safety and visual effects are reduced if the cables etc are associated with other structures.

See also Section 5.3

Policy 11.2.14 - Electrical Vertical Clearances

Require the electrical vertical clearance of suspended cables, aerial wires, power and telephone lines, in the worst case scenario, to be clear of yachts, vehicles, cranes or any other mobile plant that could reasonably be expected to use an area.

Explanation - A wide variety of ships or machinery could potentially use an area where there are suspended cables, aerial wires, power and telephone lines, especially near wharves. To avoid interference with legitimate activities that occur in the coastal marine area, below the cables, there needs to be adequate electrical vertical clearance between the cable and the activity. This electrical vertical clearance needs to be determined on the basis of a worst case scenario, with an additional margin for safety. The worst case scenario involves high spring tides and a chop or swell.

See also Section 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10 and 7.8

Policy 11.2.15 - Warnings

Require the erection of warning signs, where practicable or necessary, to warn people of the danger of cables, powerlines, aerial wires and telephone lines suspended within the coastal marine area.

Explanation - Although clearances should be sufficient for most activities, there are some activities which cannot be anticipated. Warning signs will increase the chance of people being aware of potential hazards.

Rules 5.3.1, 5.3.2 and 11.2.6

Policy 11.2.16 - Natural character, amenity, landscape, seascape and open space values

Avoid, remedy or mitigate the adverse effects of structures on the natural character, amenity, landscape, seascape and open space values of the coastal marine area.

Explanation - Adverse effects of structures on the natural character, amenity, landscape, seascape and open space values of the coastal marine area must be avoided, remedied or mitigated to maintain or enhance the quality of the environment. The pleasantness of an area can be reduced by the presence of structures, particularly structures that are not maintained and allowed to reach a state that would never be permitted if the structure was proposed in that form in the first instance. Hence, any structure in the coastal marine area should be designed, constructed and maintained in a manner that minimises adverse effects on coastal values.

See also Sections 5.3 and 20

Policy 11.2.17 - Structures and activities to be compatible with their surrounding environment

Rule 11.2.6

Encourage structures and activities, including reclamations, to be located, finished, and be of a form, profile, extent and alignment that is not incompatible with the visual amenity, natural character and physical landscape of the area in which it is located.

Explanation - Structures, including reclamations and buildings in the coastal environment, can be and should be located, designed and aligned, and of a form, profile, size and finish that is compatible with the physical landscape, natural character and visual amenity of the area it is located. In deciding what is compatible, regard will need to be given to the topography, relief, elevation and combined values of the adjoining land.

The exterior of a structure should not detract from the natural character and amenity of the coastal marine area or its wider environment. The finishing materials and colour chosen for the exterior of the structure should be consistent with the texture, toning and brightness of the surrounding landscape and not result in excessive glare or reflective glare. Seasonal variations in the natural landscape, such as flowers and blossoms, are not considered as the main tones or colours of the landscape which need to be considered and applied to the exteriors of structures. The view from either the sea or land may be predominant and this should be taken into account when deciding on finishing materials and colours. When the structure is viewed from the sea and land to a similar degree, then the finishing materials and colour scheme should reflect a compromise between both backdrops. Compliance with this Policy will be assessed on a case-by-case basis.

See also Sections 5.1, 5.2, 5.3, 11.4, 12.2 and 20

Policy 11.2.18 - Recognition of Cultural Values

Recognise that structures are required at times in order to enhance the cultural values of an area.

Explanation - Localities, such as the Titi Islands, have significant cultural value to Ngāi Tahu and to enable appropriate and safe access to such areas it is desirable and appropriate to provide for the erection of structures to facilitate such access.

See also Sections 5.1, 5.2, 5.3, 5.4, 5.5, and 5.6

Policy 11.2.19 - Structures in the Fiordland (Te Moana o Atawhenua) Marine Area

Recognise that the erection and/or placement of structures in the Fiordland (Te Moana o Atawhenua) Marine Area must be consistent with the very high natural values of that area.

Explanation - Fiordland contains amenity and natural character values that are very high due to the pristine nature of the area. It would be inappropriate to allow the erection of structures that are incompatible with the character of this area. The sensitive communities and habitats of marine reserves and China Shops may be particularly affected.³

RULES

Rule 11.2.1⁴ - Erection of lights other than navigation aids - Permitted

The erection of lights other than navigation aids on new and existing structures, is a permitted activity where:

- a all lights on the structure and any area of occupation associated with the structure will be positioned and aimed within the occupied site away from residential properties and public roadways; and
- b the amount of light spill (horizontal and vertical) measured at a height of 1.0 metre above ground at a horizontal distance of 2.0 metres or more inside the boundary of any property used for residential purposes shall not exceed 2.5 lux.

Explanation - New and existing structures within the coastal marine area may require lighting to undertake the activities the structure has been erected for. In these situations, the adverse effects are considered to be minimal provided that the light is directed onto the lawfully occupied area and the light spill onto residential properties and public roadways is restricted. This Rule provides for the erection of lights on new and existing structures where the illumination effect on a clear night is largely confined to that structure and any adjoining space for which the structure owner has an occupation permit.

See also Section 5.3

Rule 11.2.2⁵ - Erection of lights other than navigation aids - Discretionary

Except as described in Rule 11.2.1 the erection of lights, other than navigation aids, is a discretionary activity.

Explanation - To avoid, remedy or mitigate the adverse effects of lighting, the erection of lights needs to consider the natural character, amenity, navigation safety of the coastal marine area. The consent process provides for such consideration.

See also Section 5.3

³ Amended as a result of Fiordland Marine Management Bill

⁴ Reference to NZAS RMA 1077/00 allowed modification to Rule 11.2.1 and the reference was otherwise dismissed – 17 August 2004.

⁵ Reference to NZAS RMA 1077/00 allowed modification to Rule 11.2.2 and the reference was otherwise dismissed – 17 August 2004.

Rule 11.2.3⁶ - Structures more or less parallel to mean high water springs and longer than 1,000 metres

Any activity involving the erection of a structure or structures which is solid, or presents a significant barrier to water and sediment movement, and when established on the foreshore or seabed extends 1,000 metres or more in length (including separate structures which incrementally exceed 1,000 metres), is a discretionary activity.

Explanation - Structures of this size can have significant effects. Generally, these structures would have to result in substantial positive effects if they are to be approved.
See also Section 5.3 and 12

Rule 11.2.4⁷ - Structures oblique/perpendicular to mean high water springs and longer than 1,000 metres

Any activity involving the erection of a structure or structures, which is solid or presents a significant barrier to water and sediment movement situated oblique or perpendicular in horizontal projection to the line of mean high water springs in the coastal marine area, and is in horizontal projection of more than 1,000 metres in length, is a discretionary activity.

Explanation - Structures of this size can have significant effects. Generally, these structures would have to result in substantial positive effects if they are to be approved.
See also Sections 5.3 and 12

Rule 11.2.5⁸ - Structures used in the petro-chemical industry

Any activity involving the erection of structures for the storage or containment of any petroleum, petroleum products, or liquid contaminants in quantities greater than 100,000 litres, is a discretionary activity.

Explanation - The adverse effects of erecting a structure to store or contain petroleum, petroleum products or liquid contaminants in such vast quantities in the coastal marine area means that there is a need to ensure they are constructed for maximum safety so that if accidents do occur, the effects will be minimal. Emergency contingency plans and monitoring will also be required. Consultation with experts in the appropriate field is also required.
See also Section 5.3, 7.3 and 20

Rule 11.2.6⁹ - Other structures

Except as provided elsewhere in the Plan, the erection of temporary or permanent structures in the coastal marine area:

- 1 is a non-complying activity in:
 - a the internal waters and open coast of Fiordland;
 - b the internal waters and open coast of Stewart Island, excluding Big Glory Bay and all that part of the coastal marine area located between Stewart Island and the imaginary line from

⁶ Amended as a result of the New Zealand Coastal Policy Statement 2010

⁷ Amended as a result of the New Zealand Coastal Policy Statement 2010

⁸ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004, and amended as a result of the New Zealand Coastal Policy Statement 2010

⁹ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004, and amended as a result of the New Zealand Coastal Policy Statement 2010

Mamaku Point to Ackers Point, thence to Ringaringa Point, and finally to Cow and Calf Point.

2 is a discretionary activity in those parts of the coastal marine area not referred to in (1)(a) or (b) above.

Explanation - Because it is difficult to anticipate the size, nature, scale or detail of many potential structures in the coastal marine area, there needs to be a process where the appropriateness and detail of each is assessed against the policies in this Plan on a case-by-case basis. Section 12(1)(b) of the Resource Management Act 1991 states that:

*No person may, in the coastal marine area, -
Erect, reconstruct, place, alter, extend remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed, ... unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or a resource consent.*

However, there are some instances where the effects of certain structures are reasonably predictable. Such structures include whitebait stands in certain areas, lights, navigation aids less than or equal to two metres in height, temporary buoys within Awarua Bay and Bluff Harbour, and maimais in parts of New River Estuary, Jacobs River Estuary and which existed prior to 1 July 1995, which are provided for elsewhere in this Plan as controlled or permitted activities.

Fiordland and Stewart Island contain amenity and natural character values which are very high due to the pristine nature of the areas. As significant development has occurred in Big Glory Bay and the Oban area, the pristine nature of these two areas have already been compromised and the effects of development in these two areas would not need to be considered under as stringent tests as other areas on Stewart Island or in Fiordland.

See also Sections 4.2, 4.4, 4.5, 5.3, 11.7, 11.8 and 12

Rule 11.2.7¹⁰ - Service lines to ships at berth in the Bluff Port Zone

Notwithstanding any rules to the contrary in the Plan, temporary service lines to ships at berth in the Bluff Port Zone is a permitted activity.

Explanation - It is common for telecommunication, power and other lines to be provided to ships at berth in the Bluff Port Zone. The effects of providing these temporary services are considered to be minimal when the ship is tied to wharves.

Rule 11.2.8^{11 12} - Erection of suspended cables, aerial wires, power and telephone lines

Except as provided elsewhere in the Plan, the erection of suspended cables, aerial wires, power and telephone lines in the coastal marine area, is a discretionary activity.

Explanation - To avoid, remedy or mitigate the adverse effects of the erection of suspended cables, aerial wires, power and telephone lines in the coastal marine area, consideration of the effects of the cables, wires and lines needs to be undertaken. Such effects include the electrical vertical clearances of powerlines, as well as the natural character, amenity, functional use and navigation safety of the coastal marine area. In applying this rule, this Council shall use the following guidelines:

- electrical vertical clearance to all cables, powerlines etc: 2 metres;
- electrical vertical clearance to 11,000-110,000 volt powerlines: 2.4 metres;
- electrical vertical clearance to 110,000-220,000 volt powerlines: 4 metres.

¹⁰ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹¹ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹² Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

The guidelines are consistent with those guidelines recommended by the Maritime Safety Authority for powerlines.

Rule 11.2.9 - Access to Titi Island

The erection of structures designed to enable access to the Titi Islands is a discretionary activity.

Explanation - The Titi Islands are of considerable significance to Ngai Tahu and should Ngai Tahu wish to erect wharves and other structures to provide access to safe access to the islands the rule will facilitate that.

Rule 11.2.10¹³ - Placement of submarine lines or cables

Except as provided elsewhere in the Plan placement of submarine lines or submarine cables in, on or under the bed of the coastal marine area is a restricted discretionary activity. The Council shall restrict its discretion to the following matters:

- a any effect on public access and recreational opportunities;
- b any effect on recognised navigation routes and anchorages;
- c any effect on benthic ecology;
- d any effect on the stability of the seabed and foreshore;
- e any effect on amenity values where the shore end of any submarine line is visible;
- f any effect on cultural, heritage or archaeological values as listed in Appendix 8; and
- g any effect on areas of significant indigenous vegetation or significant habitats of indigenous fauna;
- h any effects on the economic well-being of people and communities.

Explanation – Submarine lines or cables used for communication purposes may be required in the coastal marine area to ensure all members of the community can have access to telecommunications. These lines or cables are provided for in a different manner to suspended lines, as the nature of their effects is likely to be different, particularly once installed. There may be some adverse effects at the time of construction, while any ongoing adverse effect can be avoided, remedied or mitigated by appropriate design and consent conditions. Accordingly, these lines have been provided for as restricted discretionary activities.

Rule 11.2.11¹⁴ Placement of cables and lines on existing lawful structures

The placement of cables and lines on existing lawful structures where the cables and lines are securely fixed and taut against the structure is a permitted activity.

Explanation – The placement of cables and lines on lawfully established structures may be necessary for communication purposes. In circumstances where the cable or line is securely fixed and taut against the structure, the adverse effects are considered to be minimal.

¹³ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹⁴ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 11.2 are:

- 11.2.1 Structures are appropriately located so any adverse effects are avoided, remedied or mitigated.
- 11.2.2 The social, economic and safety benefits of structures in the coastal marine area are recognised.
- 11.2.3 Structures do not adversely affect the natural character and amenity values of Fiordland and Stewart Island.
- 11.2.4 Permanent structures/buildings in the coastal marine area are of a form and are finished so they do not degrade the natural character of an area.
- 11.2.5 Adverse effects on the natural character, amenity, navigation safety of the coastal marine area from lighting and glare are avoided, remedied or mitigated.
- 11.2.6 Temporary structures are used as an alternative to permanent structures where practicable.

11.3 Legality of Existing Structures

ISSUE

Issue 11.3.1 - Some existing structures in the coastal marine area are unlawful, and the legality of others is uncertain. This makes it difficult to determine ownership and responsibility for maintenance

OBJECTIVE

Objective 11.3.1 - Legality of structures

To ascertain the legality of structures in the coastal marine area.

Explanation - There are some structures in the coastal marine area which have uncertain legal standing. The legality of structures in the coastal marine area needs to be ascertained so that the “owners” can provide for maintenance of the structures, public access where appropriate and be responsible for the structures including safety and environmental considerations.

POLICIES

Policy 11.3.1 - Existing structures providing public benefit

Authorise existing structures, and their occupation of the coastal marine area, subject to safety standards, that provide public benefit.

Explanation - Many existing structures used by the public and some private structures within the coastal marine area have either been erected unlawfully or the means of approval has long since been forgotten or repealed. For the avoidance of doubt, it is considered that those structures to which the public has a general right of use, should be given permitted activity status where there are no significant adverse effects. In the

Objective 11.3.1
Policies 11.3.1, 11.3.2 and
11.3.3
Rules 11.3.1, 11.3.2 and 11.3.3

Policies 11.3.1, 11.3.2 and
11.3.3
Rules 11.3.1, 11.3.2 and 11.3.3

process of giving an existing structure such status, the persons or body responsible for ongoing maintenance and safety should be identified. In some instances, it may be appropriate for that body to charge for the use of the structure or solicit donations where the purpose of the charge or donation is to maintain the structure.

Structures such as seawalls, breakwaters and erosion protection works have been built as permanent fixtures for the ongoing protection of land and buildings from coastal processes. They have generally been built by local authorities or with local authority assistance and it is considered appropriate to provide these with legal recognition. Examples of seawalls include those in the New River Estuary, Halfmoon Bay and Colac Bay. The ownership of such works incorporates a responsibility to maintain them.

Policy 11.3.2 - Prepare a register of structures in the coastal marine area

Prepare a register of structures in the coastal marine area, their status and owner responsibility.

Explanation - Within the coastal marine area there are a number of existing structures. Some of these are publicly owned, while others are in private ownership. It is appropriate for the Southland Regional Council to be aware of what structures are present in the coastal marine area, in terms of ensuring the safety of those structures, safety to other users of coastal waters and in considering resource consents for other structures.

Policy 11.3.3 - Other existing unlawful structures

Require existing unlawful structures that do not provide public benefit to apply for a resource consent within the first 12 months of this Plan becoming operative.

Explanation - Existing unlawful structures over which the public do not have a right of access or do not provide public benefit need to be assessed. In terms of the Resource Management Act, existing unlawful structures do not have any existing use rights in the coastal marine area. An application for consent to legalise an existing private structure will be assessed in terms of the policies in this Plan. An alternative to applying for consent for the structure is to request the Regional Council to include the structure in the Plan's list of structures that provide public benefit. Before any structure is added to this list, the structure's owner must satisfy the Regional Council that clear lines of responsibility exist, for public safety and structure maintenance.

See also Sections 9.1, 11.4 and 11.5

RULES

Rule 11.3.1^{15 16} - Structures providing public benefit

The following structures and their occupation of the coastal marine area is a permitted activity:

STRUCTURE	BODY OR PERSONS RESPONSIBLE FOR MAINTENANCE
Boat Ramp at Te Waewae Lagoon	Southland District Council
Boat Ramp at Colac Bay	Southland District Council
Boat Ramp at Fortrose	Fortrose Boating Club
Boat Ramp at Back Beach Fortrose	Southland District Council
Road Bridge SH 99 at Riverton	Transit New Zealand
Boat Ramp SW of the Awarua Bay Bridge	Invercargill City Council
Boat Ramps in Awarua Bay at Invercargill Yacht Club	Invercargill City Council
Underground cable along beach Waikawa Harbour	Telecom New Zealand Limited
Aerial cable crossing creeks at Halfmoon Bay	Telecom New Zealand Limited
Stead Street Bridge	Invercargill City Council
Waihopai River Railway Bridge	ONTRACK
Two Boat Ramps at Southland Power Boat Club	Southland Power Boat Club
Stead Street Wharf	Invercargill City Council
Tiwai Bridge	Invercargill City Council
SH 92 Bridge on Titiroa Stream	Transit New Zealand
Two Boat Ramps at Southland Water Ski and Runabout Club	Southland Water Ski and Runabout Club
Two slips and grid at Green Point Yacht Club	Green Point Yacht Club

Explanation - These are structures erected or placed prior to 1 July 1994 for which no resource consent or Harbours Act 1950 consent has been issued or is known to exist. They include ramps, jetties, wharves, navigation aids, and bridges. Any adverse effects of these structures are largely past remedying, but the opportunity will be taken to reduce adverse effects if the structures are reconstructed. The structures are used and accepted by the public and the persons responsible for their maintenance is usually clear.

Rule 11.3.2 - Seawalls, breakwaters, erosion protection works and navigation aids

Seawalls, breakwaters, erosion protection works and navigation aids, and their occupation of the coastal marine area, that were erected, constructed or placed prior to 1 July 1994, are permitted activities.

Explanation - Most structures of this type were either erected to enhance navigation safety or erected by local authorities or with the advice or knowledge of local authorities and apart from the occasional problem arising out of lack of maintenance, such structures are, by and large, accepted.

¹⁵ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹⁶ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

Rule 11.3.3¹⁷ - Other unlawful structures

Unless otherwise provided for by Rules in this Plan, existing unlawful structures are a discretionary activity.

Explanation - Existing unlawful structures will require a consent as the owners of these structures require exclusive occupation of space. The Resource Management Act 1991 does not recognise unlawful structures and activities in the coastal marine area. Safety considerations and the actual or potential adverse effects of the structure also need to be considered and avoided, remedied or mitigated where necessary. The resource consent process will lead to a record being kept of such structures which will facilitate efficient management of the coastal marine area.

Section 20 of the Resource Management Act 1991 requires that all structures, unless specified elsewhere in the Plan, requires an application for a resource consent within the first 12 months of the Plan becoming operative.

OUTCOME

The outcome expected from adopting the objective, policies and rules listed in Section 11.3 is:

11.3.1 The legal status of all structures in the coastal marine area is established.

11.4 Reconstruction, Maintenance, Repair, Alteration, Upgrading and Extension of Lawful Structures

ISSUES

Issue 11.4.1 - Lawful structures in the coastal marine area need to be maintained if they are not to fall into disrepair and become visually unattractive and unsafe

See also Section 5.3

Objectives 11.4.1 and 11.5.1
Policies 11.4.1, 11.4.2, 11.4.3, 11.4.4 and 11.5.1
Rules 11.4.1, 11.4.2, 11.4.4, 11.5.1, 11.5.2 and 11.4.3

Issue 11.4.2 - The extension, alteration or upgrading of lawful structures can have similar adverse effects to the erection of lawful structures

Objectives 11.2.1, 11.2.3, 11.2.4 and 11.4.2
Policies 11.4.1, 11.4.2 and 11.4.3
Rules 11.2.1, 11.2.2, 11.4.1, 11.4.2, 11.4.3, 11.4.4 and 11.4.5

Issue 11.4.3 - Some lawful structures need to be altered, upgraded or extended to provide social, economic or safety benefits to the community

Objective 11.4.2
Policies 11.2.18, 11.4.1, 11.4.2, 11.4.3 and 11.6.1
Rules 11.2.1, 11.4.1, 11.4.2, 11.4.3, 11.4.4 and 11.4.5

OBJECTIVES

Objective 11.4.1 - Lawful Structures need to be maintained

Policies 11.4.1, 11.4.2, 11.4.3 and 11.4.4
Rules 11.4.1, 11.4.2 and 11.4.4

To ensure that lawful structures are maintained to prevent them from falling into disrepair.

Explanation - Lawful structures need to be maintained and repaired if they are to remain safe and not to fall into disrepair. If lawful structures are to remain in the coastal marine area they need to be maintained in good condition and not be visually

¹⁷ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

unattractive nor a safety hazard. Lawful structures in disrepair detract from the natural character and visual amenity of the coastal marine area.

Policies 11.4.1 and 11.4.2
Rules 11.2.1, 11.4.1, 11.4.2,
11.4.3, 11.4.4 and 11.4.5

Objective 11.4.2 - Lawful structures may need to undergo reconstruction alterations, upgrading or extensions

To provide for appropriate reconstruction, alterations, upgradings or extensions of lawful structures in the coastal marine area.

Explanation - Lawful structures may need to be reconstructed, altered, upgraded or extended to incorporate new technology or to provide for increased demands placed on the structure.

See also Section 11.6

POLICIES

Rules 11.2.1, 11.2.2, 11.4.1,
11.4.2, 11.4.3, 11.4.4 and 11.4.5

Policy 11.4.1 - Repair, maintenance, reconstruction, alteration or upgrading of existing lawful structures

Provide for the repair, maintenance, reconstruction, alteration or upgrading of existing lawful structures within specified standards.

Explanation - Repair and maintenance is essential to preserve the functionality and appearance of a structure and, therefore, needs to be provided for. This work may also involve a certain amount of reconstruction, alteration or upgrading using different techniques or materials. Provided this latter activity is largely maintenance orientated, notwithstanding the fact that it may widen the parameters within which the original function of the structure may operate, it should be allowed. The erection of lights on existing lawful structures may also be necessary and appropriate on some lawful structures for people's safety.

Policy 11.4.2 - Extension of lawful structures

Consider the extension of lawful structures on the same basis as new lawful structures.

Explanation - Extensions to lawful structures can have the same effects as new lawful structures. Even small extensions may give rise to significant adverse effects if the structure is already constructed close to an acceptable limit.

See also Sections 11 and 11.6

Policy 11.4.3 - Lawful structures to be maintained

Lawful structures within the coastal marine area, whether permitted activities or allowed by way of a resource consent, must be maintained to preserve safety and visual amenity.

Explanation - Poorly maintained lawful structures are not acceptable in the coastal marine area as they reduce the level of enjoyment, safety and amenity expected by the public as a result of the resource consent process or an activity having permitted activity status in this Plan.

See also Section 5.3

Rule 11.4.1

Policy 11.4.4 - Continuance, maintenance and enhancement of existing lawful structures

Provide for the continuance, and enhancement of existing facilities and infrastructure in the coastal marine area that:

- a enables the public use and enjoyment of the coastal environment;
- b facilitates or contributes to the social and economic values of the region;
- c facilitates or contributes to safe use of the coastal area while avoiding wherever practicable, remedying or mitigating any adverse effects on the environment.

Explanation - The economy of the region and the enjoyment of the coastal environment is to a large degree dependent on existing facilities and infrastructure. Provision needs to be made to allow these to continue on the same scale within agreed environmental constraints. Maintenance includes good housekeeping practices to reduce the risk of rats from frequenting structures from which there is a high probability of rat transference from the structure to predator vulnerable islands. Provision also needs to be made to enable lawful structures which promote safety in the region, for example, groynes and harbour lights, to continue.

See also Sections 5.3, 7.8, 11.2, 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10 and 12

RULES

Rule 11.4.1¹⁸ - Maintenance and repair

Rule 7.3.8.2.1

- a Notwithstanding any rules to the contrary in the Plan, the maintenance and repair of lawful structures where materials used are of a like nature to the original, is a permitted activity, provided that:
 - i any disturbance to the foreshore or seabed is restored to its previous state within one month of the completion of works;
 - ii there is no change in dimensions of the structure;
 - iii any repainting shall be the same as the previous colour, or in a like or similar colour to the surrounding environment;
 - iv steps are taken where practical to minimise the extent of any debris entering the coastal marine area;
 - v the passage of fish through, or past, the structure is not prevented.
- b Maintenance and repair of lawful structures where materials used are not of a like nature to the original and/or can not meet one or more of the performance standards (i) – (v) above, is a discretionary activity.

Explanation – The maintenance activity carried out in accordance with Rule 11.4.1(a) will have a positive effect in that it allows the maintenance and repair and therefore the continued use of the structure while preventing significant adverse effects from occurring.

Rule 11.4.2¹⁹ - Reconstruction, alteration or upgrading

- a Notwithstanding any rules to the contrary in the Plan the reconstruction, alteration or upgrading of a lawful structure is a permitted activity, provided that:
 - i any disturbance to the foreshore or seabed is restored to its previous state immediately following the completion of works;
 - ii there is no change in dimensions of the structure;

¹⁸ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

¹⁹ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

- iii any repainting shall be the same as the previous colour, or in a like or similar colour to the surrounding environment;
 - iv steps are taken, where practical, to minimise the extent of any debris entering the coastal marine area;
 - v the structure is not listed in Section 5.7 of this Plan;
 - vi the passage of fish through, or past, the structure is not prevented.
- b Reconstruction, alteration or upgrading of a lawful structure that can not meet one or more of the performance standards (i) – (vi) above is a discretionary activity.

Explanation - Within the bounds stated in this Rule reconstruction, alteration or upgrading will have similar effects to maintenance activity.

Rule 11.4.3²⁰ - Structures in Bluff Port Zone

- a Notwithstanding any rules to the contrary in the Plan, but subject to Rules 11.2.3-11.2.5, within the Bluff Port Zone it is a permitted activity to:
- i carry out maintenance, repair or any other work on a structure;
 - ii reconstruct, alter or upgrade any structure;
 - iii extend any structure;
- provided that:
- 1 any disturbance to the foreshore or seabed is restored to its previous state within one month of completion of the works carried out;
 - 2 steps are taken, where practical, to minimise the extent of any debris entering the coastal marine area;
- b Any
- i maintenance, repair or any other work on a structure;
 - ii reconstruction, alteration or upgrading of any structure;
 - iii extension of any structure;
- within the Bluff Port Zone that can not meet one or both of the above performance standards (1) and (2) or to which Rules 11.2.3 – 11.2.5 apply – is a discretionary activity.

Explanation - The Bluff Port Zone contains most of the existing structures essential to the port activities carried out in Bluff Harbour, as well as other facilities for recreational boating. It is a substantially modified environment within which there will be an ongoing need for further structures and maintenance and alteration of those that already exist. This rule provides for such structures to be erected as a permitted activity.

The structures to which this Rule applies include ancillary structures located on, over or under other structures in the Bluff Port Zone.

This Rule is subject to Rules 11.2.3 to 11.2.5 of this Plan. As those rules only affect activities involving the erection of structures in the coastal marine area that satisfy certain criteria:

- maintenance, repair or other work on structures and reconstruction of structures are not caught by Rules 11.2.3 to 11.2.5;
- activities in relation to ancillary structures on, over or under other structures where those ancillary structures do not themselves meet the criteria in Rules 11.2.3 to 11.2.5 are not caught by Rules 11.2.3 to 11.2.5; and
- alteration, upgrade or extension of a structure where that activity will not materially increase the extent to which that structure meets the criteria in Rules 11.2.3 to 11.2.5 are not caught by Rules 11.2.3 to 11.2.5.

²⁰ Changed by Environment Court Consent Order – Judge Jackson – 12 August 2004

Rule 11.4.4²¹ - Maintenance, repair, reconstruction, alteration or upgrading of ancillary structures for telecommunication purposes

- a Except as provided elsewhere in the Plan, the maintenance, repair, reconstruction, alteration or upgrading of ancillary structures for telecommunication purposes by a network utility operator is a permitted activity, provided that:
- i any disturbance to the foreshore or seabed is restored to its previous state immediately following the completion of works;
 - ii the maintenance, repair, reconstruction, alteration or upgrading shall add no more than 5% to the height, width, volume length, plan area, or any cross sectional area, of the part of the structure within the coastal marine area;
 - iii any repainting shall be the same as the previous colour, or in like or similar colour to the surrounding environment;
 - iv steps shall be undertaken, where practicable, to minimise the extent of any debris entering the coastal marine area;
 - v if the work is to be carried out for reconstruction, alteration or upgrading, the structure is not listed in Section 5.7 of this Plan;
 - vi the passage of fish through, or past the structure is not prevented.
- b The maintenance, repair, reconstruction, alteration or upgrading of ancillary structures for telecommunication purposes by a network utility operator that can not meet one or more of the performance standards (i) – (vi) above, is a discretionary activity.

Explanation – Maintenance, repair, reconstruction, alteration or upgrading of ancillary structures for telecommunication purposes will have minimal adverse effects providing the conditions to the rule are met. It is also appropriate to permit small changes to the structures dimensions to allow for changing needs and technology. Where maintenance, repair, reconstruction, alteration or upgrading of ancillary structures for telecommunication purposes can not meet one or more of the performance standards (i) – (vi), it is likely that the adverse effects will be more than minor and it is appropriate that those effects be assessed through the resource consent process.

See also Section 11.5

Rule 11.4.5²² - Extensions to an existing structure

Except as provided elsewhere in the Plan, any extension to an existing structure in the coastal marine area is a discretionary activity.

Where the extension is of the same nature or size as structures to which Rules 11.2.3, 11.2.4 and 11.2.5 are applicable, the extension is a discretionary activity.

Explanation - Any existing structure may be of the maximum size that is acceptable. Even a small increase (in actual or percentage terms) could impact adversely on coastal processes, amenities, views, navigation safety, etc. Because it is difficult to anticipate the size, nature, scale or detail of potential extensions to lawful structures in the coastal marine area, there needs to be a process where the appropriateness and detail of each is assessed on a case-by-case basis.

See also Section 11.5

²¹ Changed by Environment Court Consent Order – Judge Jackson, 18 August 2004

²² Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004, and amended as a result of the New Zealand Coastal Policy Statement 2010

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 11.4 are:

- 11.4.1 All structures in the coastal marine area are maintained so that they are safe.
- 11.4.2 Lawful structures in the coastal marine area can be altered or maintained without undue regulation.
- 11.4.3 Environmental effects of lawful structures in the coastal marine area are minimised.

Issues 5.7.1 and 11.4.1

11.5 Removal or Demolition of Structures including Unused or Dilapidated Structures

See also Section 11.8

OBJECTIVE

Policy 11.5.1
Rules 11.5.1, 11.5.2 and
11.5.3

Objective 11.5.1 - Removal or demolition of unused or dilapidated structures

To provide for the appropriate removal or demolition of unused structures or dilapidated structures.

Explanation - It is considered inefficient use of the coastal marine area to allow dilapidated or unused structures to remain. Dilapidated structures are also likely to be unsafe and may also adversely affect the natural character in the coastal marine area. As the coastal marine area is largely public space, only those structures which are in active use or have significant heritage value should remain in the area so more efficient use of the coastal marine area is provided for. Once they are unused or dilapidated, they should be removed whether safe or not. Dilapidated structures should be removed, not made safe.

See also Sections 5.3 and 11.4

POLICY

Rules 11.5.1, 11.5.2 and
11.5.3

Policy 11.5.1 - Removal of structures

Require structures, other than those structures with significant heritage value, to be removed where they:

- a cease to be operated or used; or
- b fall into disrepair; or
- c become unsafe and cannot be made safe;
- d are not sites of significant heritage value;

and the effects of removal of the structure are less than if it was left there.

Explanation - Unmaintained structures can cause a danger to users and the public and impact on amenity values. It is necessary, therefore, for procedures to be put in place to deal with such structures. The removal of structures could include their demolition. The methods that can be used include:

- abatement notice/prosecution;
- conditions on resource consents including bonds; and,

- terms on consent in regard to inspection.

Section 4.1.3 of the New Zealand Coastal Policy statement requires that in appropriate circumstances, structures that are not in active use and are unlikely to be used in the future should be removed. However, adverse effects of removal of the structure need to be considered.

See also Sections 5.3 and 11.4

RULE

Rule 11.5.1 - Removal or demolition of any structure – Permitted Activity

Except for bridges and those piled structures located at the sites of significant heritage value listed below, or at other sites identified in the appendices of the Plan as having significant heritage value, the removal of:

- pontoons and floating jetties; and
- the removal or demolition of any piled structure, including the piles;

is a permitted activity, provided all debris from the structure and all materials associated with the removal of the structure are removed from the coastal marine area.

Sites of significant heritage value:

- H35 Port Pegasus Shipbuilding Site, Cooks Arm - First European settlement on Stewart Island
- H36&37 Port Pegasus Settlement, Fishing/Mining - Historic settlement, tin mining, fishing
- H39 Port William Settlement Site - First Sealing base, Shetland immigration
- H40 Ulva Island, Tourism/Nature Reserve, Paterson Inlet - First Post Office for Stewart Island (1-9-1872); first area set aside for preservation of native game and vegetation (23-10-1899)
- H42 Gallons Sawmill Site, Kaipipi Harbour - First water-driven sawmill on Stewart Island
- H43* Maori Beach Sawmill Site/Hauler - A bush hauler on site in reasonable order
- H44 Kaipipi Whaling Base, Prices Inlet - Only purpose built Antarctic whaling fleet service base in New Zealand

New Zealand Historic Places Trust Register of registered sites and areas in Southland's coastal marine area:

- 3261 Port of Invercargill Jetty, New River Estuary

Note: * sites are listed in Appendix 8, Heritage and Archaeological Sites.

All 'H' numbers without an asterisk indicate a site identified in the Department of Conservation's "Historic Resources Strategy Sites". These sites are shown on the maps in Appendix 3. Sites with an asterisk and an H are common to the Department of Conservation and New Zealand Archaeological Association Index.

Rule 11.5.2 - Removal or demolition of any piled structure - Discretionary Activity

Except as provided for by Rule 11.5.1, the removal or demolition of any piled structure is a discretionary activity.

Explanation to Rules 11.5.1 and 11.5.2 - The physical removal of such structures is unlikely to cause permanent adverse effects. For other sites identified as having

significant heritage value, resource consent is required and that will enable each to be considered on a case-by-case basis.

See also Section 5.7

Rule 11.5.3 - Removal or demolition of any non-piled structure

Except for the removal of pontoons and floating jetties, the removal or demolition of any non-piled structure, (including groynes, seawalls, breakwaters, causeways, reclamations, boat ramps and slipways), is a discretionary activity.

Explanation - Such structures are generally regarded as being permanent to the extent that other users may rely on the shelter or support that they provide.

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 11.5 are:

- 11.5.1 Unused structures or structures in disrepair in the coastal marine area can be removed or demolished without undue regulation.
- 11.5.2 Removal or demolition of unused or dilapidated structures occurs without causing adverse effects.
- 11.5.3 Unused or dilapidated structures are removed.

11.6 New and Changing Activities on Existing Structures including Structures on Structures

A structure is usually erected for a specific activity or a specific set of activities. When a consent application is made, the effects of the construction, location and proposed use of the structure are taken into account. If the use of the structure or the extent of the structure changes, the effects on the environment may also change. Changes in adverse effects that can result from a change in activity may include changes in noise, visual amenity, natural character, etc. Changes in effects need to be evaluated before consent can be given for the change. An example of a change in activity that would alter the effects of the structure would be a proposal to build a restaurant on an existing wharf. This proposal would need to be assessed in terms of functional need and other applicable policies that evaluate the effects of the proposal (See also Section 4.2). New activities may occur on, over, under, or within, an existing structure.

ISSUES

Objective 11.6.1
Policy 11.6.1

Issue 11.6.1 - New and changing activities on existing structures can have different adverse effects to the activity the structure was originally built for

Objective 5.8.1, 11.2.1 and 11.6.1
Policies 5.8.1, 11.2.3 and 11.6.1

Issue 11.6.2 - New and changing activities may not be an efficient use of the coastal marine area

See also Section 4.2

OBJECTIVES

Objective 11.6.1 - Adverse effects of new or changing activities

Policies 11.2.3, 11.2.11 and 11.6.1

To ensure that new or changing activities on structures do not result in adverse effects.

Explanation - Existing structures may be subject to future development proposals that are inconsistent with the original intent of the structure. Such proposals should be considered as new activities which will need to consider the policies and rules of this document as their effects could be different than those of the original activity.

See also Sections 4.2 and 11.3

POLICY

Policy 11.6.1 - New and Changing Activities on Existing Structures including Structures on Structures

Rule 11.4.5

Consider new and changing activities on existing structures, including structures on structures, on the same basis as new activities or new structures.

Explanation - Because it is difficult to anticipate the size, nature, scale or detail of many potential structures or activities in the coastal marine area, there needs to be a process where the appropriateness and detail of each is assessed on a case-by-case basis.

See also Sections 5.1, 5.3 and 11.4

OUTCOME

The outcome expected from adopting the objective, policy and rule listed in Section 11.6 is:

11.6.1 Adverse effects from new or changing activities on structures are avoided.

11.7 Specific Structures

11.7.1 Whitebait Stands

Whitebaiting is a popular recreational activity in Southland. To facilitate the activity, there are approximately 680 whitebait stands. These are located principally on the Maitai, Titiroa and Aparima Rivers. Apart from the Awarua and Hollyford Rivers, whitebaiting is undertaken primarily for the recreational and social lifestyle, not for commercial reasons. Many Southland whitebaiters are retired people for whom whitebaiting is an important leisure activity.

ISSUE

Issue 11.7.1.1 - Whitebait stands adversely affect the visual amenity and natural character of the coastal environment

Objective 11.7.1.1
Policy 11.7.1.1
Rules 11.7.1.1, 11.7.1.2, 11.7.1.3,
11.7.1.4, 11.7.1.5, 11.7.1.6 and
11.7.1.7

See also Section 5.2 and 5.3

OBJECTIVE

Policy 11.7.1.1
Rules 11.7.1.1, 11.7.1.2, 11.7.1.3,
11.7.1.4, 11.7.1.5, 11.7.1.6 and
11.7.1.7

Objective 11.7.1.1 - Restrict the allocation of further space for the erection of whitebait stands

To restrict the allocation of further space for the erection of whitebait stands in the coastal marine area.

Explanation - The effects of whitebait stands on the natural character and amenity values of the coastal marine area and the wider coastal environment are considered to have reached their optimum level. Existing stands may be repaired or reconstructed, as necessary, but no further space will be allocated.

See also Sections 5.1, 5.3, 9 and 11.4

POLICY

Rules 11.7.1.1, 11.7.1.2, 11.7.1.3,
11.7.1.4, 11.7.1.5, 11.7.1.6 and
11.7.1.7

Policy 11.7.1.1 - Restriction on the allocation of further space for whitebait stands

Restrict the allocation of space for whitebait stands to:

- sites lawfully occupied at 15 February 1997; or,
- new sites used in lieu of a previously lawfully occupied site, but within the immediate environs of the former site where that site can no longer be used because of either natural alterations to the course of the river, bank erosion or high-water mark alterations.

Explanation - This is an extension of Regional Policy Statement (Policy 13.17) and applies to all rivers in the region. Replacement of existing stands would be compatible with this policy as would the allocation of a new site where either an old site can no longer be used, because of natural alterations to the course of the river, bank erosion, or high-water mark alterations.

RULES

Rule 11.7.1.1 - Erection of new whitebait stands

Except as provided for by Rule 11.7.1.6, the erection of new whitebait stands is a prohibited activity.

Explanation - The existing number of whitebait stands is considered to be sufficient to achieve the needs of present and future whitebaiters. Therefore, further erection of whitebait stands will not occur in the coastal marine area except as outlined in Rule 11.7.1.6. This is consistent with Regional Policy Statement Policy 13.17.

Rule 11.7.1.2 - Existing whitebait stands – Southland Rivers other than the Hollyford and Awarua Rivers

Except as provided for in Rule 11.7.1.7, the occupation of the coastal marine area by existing whitebait stands, legally constructed prior to 15 February 1997, and the use of these stands is a controlled activity, provided that:

- i the stand is structurally sound;
- ii the stand is secure against fluvial and coastal processes;
- iii the stand is located so that it does not deflect flow into the river bank or increase water velocities near the bank, if the stand is either on piles or is a floating pontoon construction;

- iv the name of the owner is displayed on a post or handrail at the entrance to the stand;
- v no stand shall exceed more than one third of the width of the river, stream, estuary, or channel at that place at that time;
- vi annual administration fees have been paid within three months of invoice issue;

The Southland Regional Council shall exercise its control over measures taken to avoid, remedy or mitigate adverse effects on amenity values, coastal processes, public safety and public access.

Explanation - Whitebait stands currently lawfully exist on the Waikawa, Mataura, Titiroa, Aparima, Pourakino, Hollyford and Awarua Rivers. The effect of the above rule is to prevent any increase in the number of stands on these rivers, and to prohibit the construction of stands on any other river.

Stands should not contribute to river bank erosion by deflecting flows into the bank, increasing water velocities near the bank or disturbing the bank during construction.

The reference to structural soundness, above, is to ensure that the stand is capable of supporting expected working loads and withstanding expected fluvial processes. It should be noted that under Section 17 of the Building Act 2004 all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work.

The public is responsible for their own actions when using a whitebait stand without permission from the consent holder.

Section 135 of the Resource Management Act 1991 allows the holder of a coastal permit to transfer the whole or part of the holder's interest in the permit to any other person. Section 19 of this Plan, Terms and Conditions of Consents, also sets out in Section 19.2.11 the requirements for the transfer of a consent.

See also Sections 9, 11 and 19

Rule 11.7.1.3 - Maintenance and repair of whitebait stands

The maintenance and repair of whitebait stands, is a permitted activity provided that:

- i the stand still complies with the conditions outlined in Rule 11.7.1.2; and
- ii the foreshore or seabed beneath, above or beyond the structure is not disturbed to the extent that it is not corrected by the next high tide; and
- iii no debris from maintenance of the structure enters the coastal marine area.

Explanation - Each year, stands are likely to need maintenance work that may involve changes to the physical structure. This type of work is considered minor and would not require a resource consent provided that the conditions outlined in the above rule are met.

Rule 11.7.1.4 - Alteration or reconstruction of existing whitebait stands on existing sites

Alteration or reconstruction of existing whitebait stands on the existing site is a permitted activity provided that:

- i the stand complies with the conditions in Rule 11.7.1.2; and
- ii the foreshore or seabed beneath, above or beyond the structure is not disturbed to the extent that it is not corrected by the next high tide.

Explanation - Within the bounds stated in this rule, alteration and reconstruction will have similar effects to maintenance activity. Where river bank erosion has occurred, an extension from the existing stand to the new point of location on the river bank is allowed.

Rule 11.7.1.5 - Removal of whitebait stands

Removal of whitebait stands is a permitted activity provided all debris from the stand is removed from the coastal marine area and the adjoining land is left in a tidy and stable condition.

Explanation - Removal of whitebait stands that are no longer required or that no longer have a resource consent is a permitted activity. This enables either the owner of the stand or the Regional Council to remove the stand and restore the site to its original condition. The physical removal of stands is unlikely to cause permanent adverse effects.

See also Section 11.5

Rule 11.7.1.6 - Replacement of whitebait stands

The erection of replacement whitebait stands, including the occupation of the coastal marine area by the replacement stands:

- where the original stand has been destroyed; or
- where it is necessary to move the stand due to natural alterations to the course of the river, bank erosion, or high-water mark alterations;

is a restricted discretionary activity, subject to:

- compliance with conditions outlined in Rule 11.7.1.2; and
- replacement stands being erected at a minimum distance of 20 metres;

from existing stands.

The matters that the Southland Regional Council shall restrict its discretion over are:

- 1 the siting of the new stand;
- 2 measures taken to avoid, remedy or mitigate adverse effects on amenity values, coastal processes and public access.

Explanation - Under the conditions outlined in this Rule, the lawfully occupied stand may no longer exist or it may no longer be physically possible to whitebait from the stand because of the types of changes indicated above. Replacement will be allowed but the Regional Council may impose conditions regarding exact siting of the stand. Traditionally, a minimum distance of 20 metres between stands has been accepted practice. This distance creates a buffer zone to prevent interference between stands. Where possible, replacement will be within the immediate environs of the former site. The consent holder will be required to remove the original stand and any associated materials before commencing building of the new stand. This work shall leave the site in a tidy condition and the work shall not destabilise the bank. If the replacement stand is not completed within one year of the loss of the original stand, the consent will lapse. In these cases, the right to establish a stand on the site will be reallocated. This rule is not intended to cover the moving of stands to obtain a better fishing site for whitebait where it is still physically possible to use the old site.

Rule 11.7.1.7 - Whitebait stands on the Awarua and Hollyford Rivers

The occupation of the coastal marine area by whitebait stands, legally consented prior to 15 February 1997, and the use of these stands, on the Awarua and Hollyford Rivers, is a restricted discretionary activity, provided that:

- 1 stands on the Awarua River do not exceed 10 metres in length from mean high water springs level;
- 2 stands on the Hollyford River do not exceed 24 metres from mean high water springs level; and
- 3 the spacing between stands is no less than 40 metres; and
- 4 the stand shall not be built earlier than 14 days before the commencement of the whitebait season and shall be dismantled and all materials removed from the site no later than 14 days after the conclusion of the season.

In the consideration of an application for a resource consent, the matters to which the Regional Council has restricted the exercise of its discretion are:

- i the location of the structure;
- ii erosion;
- iii rights of occupation of the consent holder;
- iv the relationship of tangata whenua and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga;
- v any disturbance of the foreshore or seabed;
- vi disruption to flood carrying capacity of water bodies;
- vii any amenity and natural character effects;
- viii monitoring requirements;
- ix duration of the consent; and
- x the rights to transfer the site, cancel or review the conditions of the consent.

Explanation - There are two West Coast whitebaiting rivers which are located within the Southland region. These are the Awarua River and the Hollyford River. Registered whitebait sites have existed on both of these rivers, except on the Awarua River above the Department of Conservation swing bridge where whitebait fishing is prohibited (Whitebait Fishing (West Coast) Regulations 1994).

The effect of this rule is to ensure consistency with the rules that apply under the West Coast Regional Council jurisdiction. The West Coast Regional Council has developed a policy for the management of whitebait stands, which is consistent with the Whitebait Fishing (West Coast) Regulations 1994. It is important that the consents issued for whitebait structures are consistent with the Whitebait Fishing (West Coast) Regulations 1994, which are managed by the Department of Conservation.

Stands should not contribute to river bank erosion by deflecting flows into the bank, increasing water velocities near the bank or disturbing the bank during construction.

It should be noted that under Section 17 of the Building Act 2004 all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work.

Section 135 of the Resource Management Act 1991 allows the holder of a coastal permit to transfer the whole or part of the holder's interest in the permit to any other person. Section 19 of this Plan, Terms and Conditions of Consents, also sets out in Section 19.2.11 the requirements for the transfer of a consent.

See also Section 9, 11 and 19

OUTCOMES

The outcomes expected from adopting the objective, policy and rules listed in Section 11.7.1 are:

11.7.1.1 The total amount of space for the erection of whitebait stands in the coastal marine area does not increase.

11.7.1.2 The replacement of whitebait stands in sites formerly allocated will avoid adverse effects.

11.7.2 Maimais

Gamebird hunting usually involves some form of camouflage or concealment which enables hunters to be within shooting range of the gamebirds. This camouflage can involve the use of appropriate clothing, discrete use of live vegetation, or the erection of a maimai. While maimais may be finished in vegetative material and look natural to gamebirds, if located within large bodies of water they can give rise to adverse visual effects and may be a navigation hazard if sited improperly. These effects are increased if maimais are abandoned or fall into disrepair.

On the other hand, maimais are part of an aspect of New Zealand culture which have a long association with some estuaries. However, the trend in Southland is for less and less use to be made of public water even though the number of hunters remains much the same. The gamebird hunting season is eagerly awaited by about 5,000 people in Southland, of which about 500 may hunt in and around estuaries, not always from maimais. The opening morning of the season is an event of considerable social and cultural significance to those who take part. Gamebird hunting can only legally occur between 1 May and 31 July, the season usually being of about two months duration beginning in the first weekend of May. Maimais, however, are currently erected as more or less permanent structures.

Hunting does not generally conflict with other activities because it occurs over winter when other recreational use in estuaries is low. An incidental benefit of some maimais is the nesting and roosting habitat they provide for bird species such as red billed gulls and shags.

ISSUES

Objective 11.7.2.1
Policies 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4 and 11.7.2.5
Rules 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7,
11.7.2.8 and 11.7.2.9

Issue 11.7.2.1 - Maimais are seasonally used structures which can have adverse effects on visual amenity and natural character

See also Section 5.1, 5.2 and 5.3

Objective 11.7.2.1
Policies 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4 and 11.7.2.5
Rules 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7,
11.7.2.8 and 11.7.2.9

Issue 11.7.2.2 - Maimais can have adverse effects on navigation safety

See also Section 11.8

Objective 11.7.2.1
Policies 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4 and 11.7.2.5
Rules 11.7.2.1, 11.7.2.2, 11.7.2.3,
11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7,
11.7.2.8 and 11.7.2.9

Issue 11.7.2.3 - Associated hunting activity is not always compatible with other recreational activity within the coastal marine area

See also Section 14.2

OBJECTIVE

Objective 11.7.2.1 - Erection, placement and use of maimais

Policies 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.4 and 11.7.2.5
Rules 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7, 11.7.2.8 and 11.7.2.9

To ensure that any erection, placement and use of a maimai is appropriate.

Explanation - Matters of public safety, navigation safety, natural character and visual amenity which arise out of the siting of maimais need to be taken into account so that their adverse effects can be avoided, mitigated or remedied.

POLICIES

Policy 11.7.2.1 - Role of the Southland Fish and Game Council

Rules 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7, 11.7.2.8 and 11.7.2.9

Recognise the role of the Southland Fish and Game Council in game bird management and utilise its expertise and resources to assist with the management of maimais in the coastal marine area by:

- using the Council as a contractor for inspecting, reporting on, monitoring and, if necessary, removing abandoned maimais;
- obtaining advice from the Council on site suitability and potential adverse effects in respect of resource consent applications for the erection and use of maimais; and
- obtaining advice from the Council on other maimai related matters.

Explanation - The Southland Fish and Game Council has indicated a willingness to inspect, where necessary, and report on new and existing maimais at no charge to the Council in order to minimise the cost of resource consent applications to its members. This process provides for a degree of self-regulation by an organisation established for the purpose of the management, maintenance, and enhancement of sports fish and game under Section 26P of the Conservation Act 1987. The Fish and Game Council has also undertaken to ensure that consents are obtained for all existing maimais and to remove abandoned maimais from within the coastal marine area.

The use of the Fish and Game Council as a contractor will be formalised by a letter of authorisation from the Southland Regional Council to the Southland Fish and Game Council. The use of the Southland Fish and Game Council as an advisory body is provided for by the consultative mechanisms provided for under the Resource Management Act 1991.

Policy 11.7.2.2 - New permanent maimais

Rules 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.5, 11.7.2.6, 11.7.2.7, 11.7.2.8 and 11.7.2.9

Manage the erection of new permanent maimais in the coastal marine area.

Explanation - Permanent maimais in open water create adverse effects which need to be avoided, remedied or mitigated. To effectively manage these effects, it is considered that maimais should not be allowed to be erected as of right everywhere in the coastal marine area. Temporary maimais which are only in place slightly longer than the two month long gamebird hunting season are one way of overcoming these effects.

Policy 11.7.2.3 - Preferred location of new maimais

Rules 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7 and 11.7.2.8

In order of priority, locate new maimais in the following areas:

- where non-indigenous vegetation is predominant;
- unvegetated areas adjacent to permanent water;
- areas of foreshore areas containing eel grass (*zostera*);

- areas of permanent water; and
- areas of indigenous vegetation excluding eel grass (*zostera*).

Explanation - The exercise of these priorities will reduce the adverse visual and navigation safety effects of maimais while at the same time reducing adverse effects on indigenous vegetation in the coastal marine area. The priorities necessitate consideration of landward alternatives.

Where landward alternatives are not practical, the policy guides maimais towards areas where the effects of maimais on natural character and navigation safety are reduced.

This guidance however, is of a general nature and there may be situations where maimais are inappropriate, for example, bird roosting areas or prominent natural features.

The removal of *Spartina* from a maimai location will not be reason for the removal of a maimai.

See also Sections 4.1, 5.1, 5.3 and 5.4

Policy 11.7.2.4 - Maimais that existed on 15 February 1997

Positively consider the history of use of existing maimais when considering resource consent applications for maimais that existed prior to 15 February 1997.

Explanation - Existing permanent maimais sometimes have a long history, even tradition, of use and are regarded as a social or cultural asset to those that use them. The existing use of such maimais, properly maintained, has gained a level of community acceptance.

See also Section 11.4

Rule 11.7.2.4

Policy 11.7.2.5 - Temporary maimais

Encourage the use of temporary maimais.

Explanation - The use of temporary maimais, which are erected only for the period of the hunting season, has only minor adverse visual effects and avoids any conflict with other activities undertaken throughout the remainder of the year. Furthermore, the problem of derelict or abandoned maimais will not arise.

See also Sections 4.4, 5.1 and 5.3

RULES

Rule 11.7.2.1 - Erection of permanent maimais

The erection of permanent maimais in the following areas:

- Area C on Figure 11.7.1 (New River Estuary Gamebird Hunting and Maimai Areas);
- the Jacobs River Estuary north of the Railway Bridge; and

the occupation of the coastal marine area by any permanent maimais below mean high water springs (that existed prior to 1 July 1995) and the use of those maimais, are permitted activities provided that:

- the maimai is on piles;
- new maimais are no larger than 10 square metres and no higher than 2.4 metres above mean high water springs;
- the cladding on the maimai remains intact;

- iv when the maimai is not required by the owner, the public shall have a right of access and use as provided for under Section 19(c) of the Wildlife Regulations 1955;
- v if the owner of the maimai ceases to use it, he/she shall arrange the removal of the maimai and the removal of any associated materials within three months of ceasing use.

Explanation - Most existing maimais are accepted where they have been maintained. However, their adverse effects need to be minimised. The practice of erecting maimais in the areas described above is well established. However, there are problems with maimais that are abandoned, and in the past, some maimais have exceeded the size that is really necessary for the purpose of gamebird hunting.

Pursuant to paragraph (i) of the First schedule of the Building Act 2004, a maimai less than 10 m² in area does not require a building consent. It should be noted that under Section 17 of the Building Act 2004, all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work.

Rule 11.7.2.2 - New permanent maimais and extension of existing maimais

Except as provided for in Rules 11.7.2.1, 11.7.2.5, 11.7.2.6 and 11.7.2.7, the erection of new permanent maimais (including their occupation of the coastal marine area) and the extension of maimais existing prior to 15 February 1995, is a discretionary activity.

Explanation - To assess the appropriateness of a new permanent maimai in areas other than those areas of Awarua Bay, New River and Jacobs River estuaries where maimais are permitted or prohibited, it will be necessary to examine the effects of the maimai in relation to the characteristics of the environment in which it is to be located. The effect of this Rule is to make maimais below mean high water springs on the Waikawa, Haldane, Toetoes estuaries, or on the lagoons at the mouth of the Waiau and Waimatuku rivers and anywhere else other than Jacobs River and New River estuaries or Awarua Bay, discretionary activities.

Pursuant to paragraph (i) of the First schedule of the Building Act 2004, a maimai less than 10 m² in area does not require a building consent. It should be noted that under Section 17 of the Building Act 2004, all building work shall comply with the Building Code to the extent required by the Act whether or not a building consent is required in respect of that building or work.

Refer to Policy 11.2.13 and 11.2.6

Rule 11.7.2.3 - Size and height

The erection of new permanent maimais more than 10 square metres in area and/or more than 2.4 metres high above mean high water springs is a prohibited activity.

Explanation - The above dimensions are considered to be an adequate size for the purpose of gamebird hunting. In estuaries, many maimais are in fact considerably smaller than these dimensions. By controlling the size of maimais, their adverse visual effects will be reduced.

Rule 11.7.2.4 - Temporary maimais

Except where temporary maimais are prohibited by Rule 11.7.2.5, the erection of temporary maimais and their temporary occupation of the coastal marine area is a permitted activity where the maimai, including all anchoring devices, is erected no earlier than one month before and subsequently removed no later

than one week after any open game season declared under Section 15(4) of the Wildlife Act 1953.

Explanation - As gamebird hunting only occurs between May and July when there is less demand to use estuarine waters for other recreational activity, it is not considered unreasonable to allow for the temporary maimais provided they are removed in full, and posts, waratahs or other material, which is hazardous to recreational activities, is not left remaining. The temporary nature of the structures also reduces the adverse effect of maimais on the natural character and amenity of the area.

Rule 11.7.2.5 - Gamebird hunting in the New River Estuary

Within that area of the New River Estuary bounded by a line drawn from the south end of Oreti Beach to Omaui Island thence to the nearest land and shown on Figure 11.7.1, gamebird hunting, the erection of temporary and permanent maimais within specific areas of the estuary and the occupation of the coastal marine area by those structures shall be activities of the type shown by a tick in the following table:

ACTIVITY	AREA			
	A	B	C	D
Gamebird Hunting Prohibited	<input type="checkbox"/>			
Gamebird Hunting Permitted ²³		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erection of Temporary Maimais Prohibited	<input type="checkbox"/>			<input type="checkbox"/>
Erection of Temporary Maimais and their Occupation of the Coastal Marine Area Permitted		<input type="checkbox"/>	<input type="checkbox"/>	
Erection of Permanent Maimais Prohibited	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Erection of Permanent Maimais and their Occupation of the Coastal Marine Area Permitted			<input type="checkbox"/>	

Explanation - Different parts of the New River Estuary are sensitive in different ways to outside influences. By treating gamebird hunting and the associated construction of maimais differently in different areas of the estuary, the adverse effects of such activities can be avoided, remedied or mitigated.

Gamebird hunting is prohibited in Area A because it is close to popular public recreational areas and would create an unacceptable risk to public safety. In other lower use areas, gamebird hunting is an acceptable activity but maimais are not acceptable for amenity reasons. In areas of relatively low visual amenity, or areas with low use by other recreational activities, maimais are appropriate.

Rule 11.7.2.6 - Jacobs River Estuary south of the State Highway bridge

The erection of maimais south of the state highway bridge in Jacobs River Estuary, is a prohibited activity.

Explanation - Maimais are not currently located in this area, nor would they be desirable as it is close to built up areas of Riverton township.

²³ Gamebird hunters are still required to abide by the Arms Act 1983, in particular Section 48 that provides no person shall, without reasonable cause, discharge a firearm, airgun, pistol or restricted weapon in or near a public place so as to endanger, annoy, or frighten any person.



Rule 11.7.2.7 - Awarua Bay

The erection of permanent maimais east of the Tiwai causeway in Awarua Bay, is a prohibited activity.

Explanation - The natural character and amenity value of Awarua Bay has been identified as being very high and this could be significantly compromised by the erection of maimais and/or the associated hunting activity.

Rule 11.7.2.8 - Maintenance and repair of maimais

The maintenance and repair of maimais where materials used are of a like nature to the original is a permitted activity provided that:

- i the maimai complies with the conditions outlined in Rule 11.7.2.1; and
- ii the foreshore or seabed beneath, above or beyond the structure is not disturbed to the extent that it is not corrected by the next high tide; and
- iii no debris from maintenance of the structure enters the coastal marine area.

Explanation - Each year, maimais are likely to need maintenance work that may involve changes to the physical structure. This type of work is considered minor and would not require a permit from the Southland Fish and Game Council provided that the conditions outlined in this Rule are met.

Rule 11.7.2.9 - Demolition of maimais

The demolition of maimais where the maimai has not been claimed for two consecutive years, is a permitted activity provided that all debris from the demolished structure is removed from the coastal marine area.

Explanation - The Southland Regional Council will authorise the Southland Fish and Game Council to act as a contractor to demolish and remove abandoned maimais from the coastal marine area. "Claimed" in the sense of this Rule refers to the process under the gamebird hunting regulations by which hunters claim rights to shoot from a particular location.

OUTCOME

The outcome expected from adopting the objective, policies and rules listed in Section 11.7.2 is:

- 11.7.2.1 Maimais are erected, placed and used in a manner that does not cause permanent adverse effects.**

11.7.3 Wharves

ISSUES

Issue 11.7.3.1 - Wharves are recognised as being necessary for the social and economic well-being of people and communities, but they can have adverse effects in terms of their location, and the activities that take place on them. The adverse effects can include:

- siltation
- habitat modification
- visual amenity/views
- natural character
- navigation safety
- cargo spillage for example, fertiliser and bark
- silt/mud runoff into sea
- noise
- glare and light spillage
- archaeological and heritage values

Objective 11.7.3.1
Policies 11.7.3.1 and 11.7.3.3
Rules 11.7.3.1, 11.7.3.2, 11.7.3.3 and 11.7.3.4

Issue 11.7.3.2 - It may be necessary to extend existing wharves or provide additional wharves to provide for increased freight and passengers

Objective 11.7.3.1
Policies 11.7.3.1 and 11.7.3.3
Rules 11.7.3.1, 11.7.3.2, 11.7.3.3 and 11.7.3.4

Issue 11.7.3.3 - To operate efficiently ports and port areas require support facilities including wharves and other structures, back-up facilities and infrastructure, including lights

Objective 11.7.3.1
Policies 11.7.3.1 and 11.7.3.2
Rules 11.7.3.1, 11.7.3.2, 11.7.3.3 and 11.7.3.4

Issue 11.7.3.4 - There is a shortage of berthage at Riverton

Objective 11.7.3.1
Policies 11.7.3.1 and 11.7.3.3
Rules 11.7.3.1, 11.7.3.2, 11.7.3.3 and 11.7.3.4

OBJECTIVE

Objective 11.7.3.1 - Recognise the need and provide for wharves in appropriate areas

Policies 11.7.3.1, 11.7.3.2 and 11.7.3.3
Rules 11.7.3.1, 11.7.3.2, 11.7.3.3 and 11.7.3.4

To provide for appropriately sited wharves and ancillary facilities to fulfil the social and economic well-being of communities.

Explanation - Wharves are necessary structures in the coastal marine area to enable communities to provide for their social and economic well-being. Where wharves are erected, associated service facilities are also required in some cases, such as cranes, water, telecommunication and power.

See also Sections 5.3 and 11.2

POLICIES

Policy 11.7.3.1 - Recognising the need and providing for wharves

Provide for wharves to facilitate the movement of goods and people from ships to shore and vice versa.

Rules 11.7.3.1, 11.7.3.2,
11.7.3.3 and 11.7.3.4

Explanation - Wharves and associated facilities are a necessary facility for the everyday handling of cargo and for the safe and efficient provision of goods and services into and from the coastal marine area. In port areas, the occupation of space by wharves is of lesser concern than other factors that need to be taken into account such as disturbance of the seabed, type of construction, or visual amenity and natural character need to be addressed. However, outside established port areas, more stringent assessment is necessary to take into account the policies of this Plan including functional need, natural character, and the effect on public access. Wharves help define the nautical flavour or character of coastal areas.

See also Section 5.3, 11.2, 11.4 and 11.7.10

Policy 11.7.3.2 - Provide for practical access

Provide for wharves or jetties to facilitate practical access to properties which have no road access.

Explanation - Wharves and jetties provide access to remote properties on Stewart Island and in Fiordland. Where there is no other practical form of land access available, it is reasonable to expect access to such properties via boat or float plane. Wharves would act as an interface between boats, aircraft and the shore. In providing for such access, any adverse effects will still be required to be avoided, remedied, or mitigated.

Policy 11.7.3.3 - Facilities for servicing fishing and tourism ships

Provide for facilities to service the fishing and tourist ships.

Explanation - Fishing and tourism ships are predominantly based at Riverton, Waikawa, Deep Cove, Milford Sound, Bluff and Oban. All of these bases are accessible by road, and in order to enable the transfer of goods and passengers to and from ships, it is necessary to construct and maintain appropriate wharf and other facilities.

RULES

Rule 11.7.3.1¹ - Wharves in Bluff Port Zone

Subject to Rules 11.2.3-11.2.5, but notwithstanding any rules to the contrary in the Plan, the construction of wharves and occupation of space by wharves, and ancillary structures on wharves within the Bluff Port Zone is a permitted activity.

Explanation - Within the Bluff Port Zone, South Port carries out activities necessary for the efficient operation of the port. It also holds an exclusive occupation licence for parts of this area. As a consequence, it is not necessary to restrict the types of structures that South Port can erect in this area.

Rule 11.7.3.2^{2 3} - Provision of wharves

The construction and occupation of space by wharves and the occupation of space by ancillary structures on wharves is a discretionary activity, except:

- a** as provided for by Rule 11.7.3.1;
- b** within:
 - i** the internal waters and open coast of Fiordland;

¹ Reference to NZAS RMA 1077/00 allowed modification to Rule 11.7.3.1 and the reference was otherwise dismissed – 17 August 2004.

² Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

³ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

- ii the internal waters and open coast of Stewart Island, excluding Big Glory Bay and all that part of the coastal marine area located between Stewart Island and the imaginary line from Mamaku Point to Ackers Point, thence to Ringaringa Point, and finally to Cow and Calf Point.

Explanation - The potential impacts of wharves, with the exception of the Bluff Port Zone, makes it appropriate for them to be considered by way of resource consents. They will also require building consents from the regional council or from the adjoining local authority if so delegated, unless exempted under the Building Act 2004.

See also Sections 5.3, 9.1 and 11.2

Rule 11.7.3.3⁴ - Ancillary Structures on Wharves

Notwithstanding any rules to the contrary in the Plan, it is a permitted activity to erect any pipe, line, pole, crane or structure on an wharf existing as at 15 February 1997, provided that:

- a the purpose of the pipe, line, pole, crane or structure is to provide for:
 - i the loading and unloading of ships at the wharf; or
 - ii services to ships moored at the wharf; or
 - iii emergencies within the coastal marine area
- b in the case of any crane, the site is located within the Bluff Port Zone;
- c in the case of any structure within that part of the Bluff Port Zone incorporating and adjacent to the town pier, the structure does not exceed 25 metres in height;
- d except for the Bluff Port Zone, no structure, other than a pipe, line or pole shall exceed 3 metres in height and 10 square metres in area.

Rule 11.7.3.4 - Ancillary Structures on Wharves Not Provided For

The erection of any pipe, line, pole, crane or structure on an wharf existing as at 15 February 1997, not otherwise provided for by this Plan, is a discretionary activity.

Explanation for Rules 11.7.3.3 and 11.7.3.4 - As part of operations undertaken on wharves, it is necessary to provide for the ancillary structures. Where the effects of those structures is no more than minor, then such structures are appropriate as a permitted activity. In other instances, resource consent is required.

OUTCOME

The outcome expected from adopting the objective, policies and rule listed in Section 11.7.3 is:

- 11.7.3.1 Wharves which fulfil the social and economic well-being of communities are provided in appropriate locations.

11.7.4 Boatsheds

ISSUES

Issue 11.7.4.1 - Boatsheds and associated launching ramps by necessity occupy a part of the coastal marine area that would otherwise be available for public use

See also Sections 4.4, 5.8 and 20

Objective 4.5.1
Policy 11.7.4.1
Rules 11.7.4.1 and 11.7.4.2

⁴ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

Issue 11.7.4.2 - Boatsheds may diminish the natural character of areas in which they are located

POLICIES

Policy 11.7.4.1 - Discourage new boatsheds

Discourage the construction of new boatsheds and associated structures.

Explanation - Structures that are associated with boatsheds include ramps or rails used to assist with the conveyance of a ship into the boatshed. The features that make a site suitable for a boatshed (accessible, sheltered and shallow water) are the same features that attract the general public to an area for other purposes. These areas frequently have high amenity, recreational or natural character values which are compromised by the erection of boatsheds.

It is considered that there is not the same need for boatsheds that once existed. Boats these days are more readily transported to other storage or maintenance areas outside of the coastal marine area. The materials from which boats are constructed are also more weather tolerant and consequently, there is less need to keep them under cover.

There are situations, however, where it may be appropriate for boatsheds to be located in the coastal marine area. Such examples include where a person lives adjacent to the coastal marine area and there is no road access, where the boatshed is being used for communal purposes, or by recreational organisations. New boatsheds should have a functional need to locate in a particular area and also have no significant adverse effects on the environment.

Existing, well maintained, boatsheds are acceptable, but if they fall into disrepair they should be removed. Over time, the numbers of boatsheds will probably reduce.

See also Sections 4.2, 5.1, 5.3 and 9.1

Policy 11.7.4.2 - Use of Boatsheds

Avoid use of boatsheds for purposes other than storing boats and activities connected with storing and maintaining boats.

Explanation - Boatsheds are built to be used for the storing and maintenance of boats only. Boatsheds are not to be used for residential purposes, storing of cars or other vehicles or parts thereof, or commercial activities not associated with the storing or maintenance of boats.

If the owner of a boatshed wishes to use this structure for purposes other than for the storing or maintenance of boats, then Section 11.6 of this Plan will apply.

See also Section 11.6

RULES

Rule 11.7.4.1 - Boatsheds at Stewart Island

The erection or placement of new boatsheds and associated structures or extension of existing boatsheds and associated structures on the foreshores of Stewart Island is:

- a a discretionary activity in Vaila Voe Bay, Thule Bay, Watercress Bay, Golden Bay, Leask Bay and the Main Beach of Halfmoon Bay from the Main Wharf to Lonnekens Point;
- b a non-complying activity in all other areas.

Explanation - Stewart Island is an area of particularly high natural character. It is also the area within which most boatsheds in the Southland region are located and their adverse effect on the natural character and amenity is greatest. Structures that are associated with boatsheds include ramps or rails used to enable access to the boatshed from land or the conveyance of a ship into the boatshed. Given Policy 11.7.4.1, the number of existing boatsheds on Stewart Island, the Island's high natural character and the popularity of its beaches and sheltered coastal waters, it is considered that provision should not be made for new boatsheds and associated structures or extensions to existing boatsheds and associated structures as permitted or controlled activities. It is considered that new or extended boatsheds should only be allowed in the coastal marine area if they can satisfy the tests imposed by discretionary and non-complying activity status. The repair and maintenance of existing boatsheds is covered by Rule 11.4.1. The reconstruction and alteration of existing boatsheds is covered by Rule 11.4.2.

See also Section 3.14, 5.1 and 11.4

Rule 11.7.4.2 - Boatsheds in other areas of the region

Except as is provided for by Rule 11.7.4.1 above, the erection, reconstruction, placement, alteration, or extension of boatsheds on the foreshore or seabed of the coastal marine area, is a discretionary activity.

Explanation - Natural character and amenity values of the coastal marine area can be adversely affected by boatsheds and associated structures in the coastal marine area. Such structures should have a functional need to locate in a particular area and also have no significant adverse effects on the environment.

See also Sections 5.1 and 5.3

OUTCOME

The outcome expected from adopting the objective, policies and rules listed in Section 11.7.4 is:

11.7.4.1 Natural character and amenity values are enhanced by maintenance of boatsheds and removal of boatsheds that are in a state of disrepair.

11.7.5 Boat Launching Facilities

Boat launching facilities include boat ramps, slipways and beach launching places. It is recognised that these facilities fulfil an important role, enabling people to have access to the coastal marine area.

ISSUE

Issue 11.7.5.1 - Boat launching facilities are required to enable people to have access to the coastal marine area

Objective 11.7.5.1
Policies 11.7.5.1 and 11.7.5.2
Rules 11.7.5.1 and 11.7.5.2

OBJECTIVE

Objective 11.7.5.1 - Boat launching facilities

Policies 11.7.5.1 and 11.7.5.2
Rules 11.7.5.1 and 11.7.5.2

To recognise and provide for the construction of boat launching facilities in the coastal marine area.

Explanation - Boat launching facilities enable people to actively participate in the coastal marine area. However, such facilities can cause adverse effects, such as obstructing the longshore drift process. These adverse effects need to be taken into account when considering where boat launching facilities should be sited. Cross

boundary issues such as car parking are often associated with boat launching facilities and will also need to be resolved with relevant territorial authorities.

POLICIES

Rule 11.7.5.1

Policy 11.7.5.1 - Provide for needed boat launching facilities

Provide for boat launching facilities where there is a demonstrated need and where no adverse effects arise.

Explanation - Boat launching facilities enable the coastal marine area to be used by the public. However, the adverse effects of the facility need to be considered prior to its development. These could include adverse effects on coastal processes, other public use, natural character, heritage and archaeological values. Such facilities also require consent for parking areas in the coastal environment on the shore which require consent from the territorial local authority.

The need for boat launching facilities will be assessed against the availability of other suitable public and private facilities.

See also Sections 4.4, 5.1 and 12

Rule 11.7.5.1

Policy 11.7.5.2 - Provide for beach launching

Provide for beach launching where it will not create permanent adverse effects.

Explanation - Where the effects of beach launching, such as tyre tracks, can be removed by the next high tide, then the adverse effects are not considered significant and the activity can proceed.

RULES

Section 9

Rule 11.7.5.1 - Structures for the launching of boats

The erection and/or placement of structures for the launching of boats from land (including their occupation of the coastal marine area) is a discretionary activity.

Explanation - Structures for the launching of boats, including ramps, slipways flying foxes etc, can cause adverse effects such as affects on coastal processes, navigation safety, natural character, archaeological, heritage and amenity values. These adverse effects need to be avoided, remedied or mitigated. This also is a cross boundary issue in that a ramp may cross the administrative boundaries and require a joint consent before approval is given for the activity.

See also Sections 5.1, 5.3, 11.2, 11.7.6, 11.7.7, 11.7.8, 11.7.9, 11.7.10, 11.8, 12, 20 and Appendix 8

Rule 11.7.5.2 - Beach launching and Landing

Except where rules in this Plan provide otherwise, beach launching and landing of ships is a permitted activity, provided that any disturbance of the foreshore will be rectified by the next high tide, or in the case of disturbance that occurs between Mean High Water Mark and Mean High Water Spring, the disturbance is rectified by the next spring tide, after the launching or landing.

Explanation - Where the effects of beach launching or landing can be remedied by the next high tide or spring tide where appropriate the adverse effects are not significant.

OUTCOME

The outcome expected from adopting the objective, policies and rules listed in Section 11.7.5 is:

11.7.5.1 Boat launching facilities are provided in the coastal marine area and any adverse effects on the environment are avoided, remedied or mitigated.

11.7.6 Navigation Aids

Navigation aids facilitate safe navigation of the coastal marine area by identifying channels, obstructions and landmarks, particularly at night when other points of reference are not visible.

ISSUES

Issue 11.7.6.1 - Navigation safety is improved by the establishment of navigation aids

Objective 11.7.6.1
Policy 11.7.6.1
Rules 11.7.6.1 and 11.7.6.2

Issue 11.7.6.2 - Some navigation aids require a coastal marine location

Objective 11.7.6.1
Policy 11.7.6.1
Rules 11.7.6.1 and 11.7.6.2

OBJECTIVE

Objective 11.7.6.1 - Navigation aids in the coastal marine area

Policy 11.7.6.1
Rules 11.7.6.1 and 11.7.6.2

To recognise and provide for the construction of navigation aids.

Explanation - Navigation aids are required in the coastal marine area for the safe and efficient navigation of ships.

POLICY

Policy 11.7.6.1 - Navigation aids

Rules 11.7.6.1, 11.7.6.2, 11.7.6.3
and 11.7.6.4

Provide for navigation aids in the coastal marine area.

Explanation - It is recognised that navigation aids are required in the coastal marine area for navigation safety reasons. In most instances, adverse effects are minor and are outweighed by safety considerations. To ensure that navigation aids are appropriately located and take into account the environmental values of an area and are kept to a size no larger than is necessary, some management of navigation aids is required.

RULES

Rule 11.7.6.1- Navigation aids less than or equal to two metres in height

The construction of navigation aids, less than or equal to two metres in height, and their occupation of the coastal marine area, is a controlled activity.

The matters that the Southland Regional Council shall exercise its control over are:

- 1 the siting of the navigation aids;

2 tangata whenua and heritage values.

Explanation - Construction of navigation aids less than or equal to two metres in height, as measured from mean high water springs to the upper most point of the structure, is a controlled activity due to the siting of the aids and the need to consider all available options and to take into account tangata whenua and heritage values of the proposed sites. At present, there is a lack of consultation between the various authorities in respect of this matter, with no or little consideration being given to other values of the area. The Southland Regional Council would consult, where appropriate, with parties such as the harbourmaster, South Port and the Maritime Safety Authority. Any construction of navigation aids will also need sanction from the Director of Maritime Safety pursuant to Section 203 of the Harbours Act 1950.

Rule 11.7.6.2 - Navigation aids greater than two metres in height

The construction of navigation aids, greater than two metres in height and their occupation in the coastal marine area, is a discretionary activity.

Explanation - Construction of navigation aids greater than two metres high are likely to have adverse effects on the visual amenity and natural character of the coastal marine area. Such effects need to be considered in the design and construction of a navigation aid. The Southland Regional Council would consult, where appropriate, with parties such as the harbourmaster, South Port and the Maritime Safety Authority. Any construction of navigation aids will also need sanction from the Director of Maritime Safety pursuant to Section 203 of the Harbours Act 1950.

Rule 11.7.6.3 - Temporary buoys within Awarua Bay and Bluff Harbour

The occupation of the coastal marine area through the placement of temporary buoys, within Awarua Bay and Bluff Harbour, and the occupation of the coastal marine area through the placement of permanent buoys east of the Tiwai causeway, is a permitted activity where:

- i they are required to mark a swimming or sailing course; or
- ii they are associated with any lawful activity; or
- iii they do not interfere with the navigation of ships.

Explanation - Buoys are often required to mark courses for swimming or sailing activities within these areas, and this is not generally a concern. The number of permanent buoys is unlikely to exceed six and they are widely spaced. For the purpose of this rule, buoys are considered as structures. This rule does not provide for the storage of crayfish pots in the harbour.

Rule 11.7.6.4 - Permanent buoys within Awarua Bay (west of the Tiwai causeway) and Bluff Harbour

Within Awarua Bay (west of the Tiwai causeway) and Bluff Harbour, the placement of permanent buoys or marker posts and their occupation in the coastal marine area, is a discretionary activity where:

- i they are required to mark a swimming, sailing, powerboating or rowing course; or
- ii they are associated with an activity for which a resource consent is required.

Explanation - Where buoys are required to mark courses for sail racing activities on a permanent basis, the adverse effects of permanent buoys, principally on navigation safety, need to be considered on a case-by-case basis. In each instance, there is a need to consult with parties with a direct interest in the area and, in some cases, the wider

public. Large barges and support tugs are able to navigate this area of the harbour at high tide. It is also used by a variety of recreational ships, including keel boats and trailer yachts. For the purposes of this rule, permanent shall mean in excess of one month in more or less the same vicinity. This rule does not provide for the storage of crayfish pots in the harbour. This issue is to be addressed in the first instance by a code of practice.

OUTCOME

The outcome expected from adopting the objective, policy and rules listed in Section 11.7.6 is:

11.7.6.1 Navigational aids can be constructed in the coastal marine area with a minimum of regulation.

11.7.7 Anchorages and Moorings

Anchorages

Southland's coastal environment provides people with many remote and scenic areas to visit by ship. It also contains a very important fishery. However, Southland's coastline is exposed to extremes of weather and sudden weather changes. With much of the coast being remote from ports, it is important that sheltered areas remain available for use as anchorages. These areas are required so that ships can operate safely, especially around Fiordland and Stewart Island. Fiordland and Stewart Island are very important for the commercial fishing industry, as well as for increasing numbers of tourist operators, and private ships. Safe anchorage for these ships is thus important for the region's socio-economic well-being.

Moorings

Moorings are defined as any weight, post or other structure placed in, or on, the bed of the coastal marine area for the prime purpose of securing a ship, raft, aircraft or floating structure. It does not include the anchors of a powered ship. In Fiordland and Stewart Island, moorings often also involve lines attached from the stern of the craft to the shore.

The number of specific areas used for moorings within the waters of Southland is not large. While generally there is room for more moorings and little competition for space, competition for mooring space is increasingly becoming an issue, particularly in areas where tourism is expanding. The most popular mooring areas in Southland are located at:

- Harrison Cove in Milford Sound
- Deep Water Basin at Milford Sound
- Blanket Bay in Doubtful Sound
- Deep Cove in Doubtful Sound
- Luncheon Cove in Dusky Sound
- Greenpoint in Bluff Harbour
- Horseshoe Bay at Stewart Island
- Halfmoon Bay at Stewart Island
- Leask Bay at Stewart Island
- Golden Bay at Stewart Island
- Thule at Stewart Island
- Twilight at Stewart Island
- Deep Bay at Stewart Island
- Waikawa Estuary

Of these, there is either a shortage of space or no space left in Harrison Cove, Deep Water Basin, Golden Bay, Thule Bay and Deep Cove.

While mooring areas and anchorages are similar, the former are distinguished by the frequency and duration of their use and greater reliance on permanent anchoring blocks.

The presence of moorings in the coastal marine area can give rise to adverse effects. These include:

- restriction of public access;
- restrictions on the activities that can take place in the area;
- disturbance of the seabed;
- visual impacts;
- noise.

However, moorings can reduce disturbance to the seabed caused by frequent anchoring.

Moorings require shallow, sheltered areas, the type of area that may also be favoured for other activities, such as recreation (for example, water skiing).

The appropriateness of new moorings will be assessed on the basis of the policies contained within this Plan. Preferred areas have been identified in parts of Halfmoon Bay and Bluff Harbour. Problems can occur when large ships moor at sites with small mooring blocks, which are unable to secure the ship, or where there is insufficient space for the ship to swing about without colliding with ships at adjoining blocks. Problems may also arise in determining whether there is sufficient space for new moorings if a record is not kept of the space and position allocated to existing moorings. Damage to benthic communities can also occur as the ground chain swings about the mooring block as the ship moves with the wind and tide, although swing moorings using more than one block can reduce such damage. Swing moorings using the CALM system avoid damage to the benthic fauna and vegetation. There is also concern that where moorings are located close to rat free islands any rats on board ships may escape to shore and re-establish a rat population. It is argued that some form of control over the laying of moorings is therefore desirable.

It is recognised that land based facilities (Cross boundary Issues, Section 20) are usually required in conjunction with mooring areas and marinas. These include activities that service boats (fuel, maintenance etc) and other activities that may be required, such as parking, launching ramps, slipways and clubrooms. Vehicle turning and access difficulties are potential adverse effects that will need to be avoided, remedied or mitigated by the applicant. The ability or need to use land areas adjoining marinas and mooring areas will be a factor to be considered in assessing the suitability of areas. In some instances, a consent from the adjoining territorial local authority may also be required.

In existing established mooring areas in Southland, there are few lawful moorings. That is, many moorings have been established without coastal permits, or without approvals under now repealed legislation. Therefore, users do not have any exclusive rights of use of a specific area but they do have proprietary rights over the mooring block, chain, etc. Generally, people do not use someone else's mooring facility, if they can avoid it, but the practice is that the owners permit such use provided that the ship is compatible with the mooring and the mooring is not required by its owner. Existing mooring areas are not known to be of high benthic value, except for Harrison Cove and a small area in North Arm Port Pegasus which do have high natural values, and are likely to be very modified in most cases.

Given that, within existing mooring areas, largely informal arrangements have worked in the past with few apparent problems, it is proposed that these arrangements continue. Owners of mooring facilities need to recognise that they have civil responsibilities to ensure that their use of the mooring does not result in damage to other ships. It is not the responsibility of the Regional Council to set mooring guidelines, swing distances nor maintenance procedures. Where a mooring consent is granted, the safety of the mooring blocks, chains and lines is the owner's responsibility,

but the Council must be satisfied that the proposed mooring is sufficient for the ship and types of sea and weather conditions that could reasonably be expected in the area. It must also be satisfied that the use of the mooring will not have adverse effects on other people who use the area. A right of occupation, for a certain amount of space, will usually be associated with a mooring consent. This space is usually based on the length of the ship. If the mooring is transferred the new owner will need to ensure that the new ship is no longer than the old otherwise the original consent will need to be varied or a new consent obtained.

Section 418(6A) of the Resource Management Act 1991 states “where, in respect of any mooring existing before the 1st day of October 1991, no licence or permit was held which could be deemed to be a coastal permit under Section 384(1), then Section 12(2)(a) shall not apply to that mooring until one year after a regional coastal plan provides otherwise”. The effect of this section is that where this Plan requires a resource consent for a mooring that existed prior to 1 October 1991 without a licence or permit, the owner does not need to apply for a resource consent to occupy space for one year after this Plan becomes operative. However, if the mooring owner wished to gain some security of occupation there is nothing preventing an earlier application.

ISSUES

Issue 11.7.7.1 - Ships or structures anchored or moored close to rat-free islands can be a source of reinfestation

Objective 11.7.7.3
Policies 11.2.7, 11.7.7.2 and 11.7.7.21
Rule 11.7.7.2

Issue 11.7.7.2 - To enable safe navigation and boating use, ships using the Southland coast need access to anchorage areas which provide shelter or safe haven from all wind and sea conditions

Objectives 11.7.7.2 and 11.7.7.4
Policies 11.7.7.1, 11.7.7.2, 11.7.7.17 and 11.7.7.18
Rules 11.7.7.1, 11.7.7.2, 11.7.7.3, 11.7.7.4, 11.7.7.6, 11.7.7.8, 11.7.7.9 and 11.7.7.10

Issue 11.7.7.3 - Pot storage and marine farming can occupy anchorage areas needed for shelter and safe haven

Objectives 11.7.7.2 and 11.7.7.4
Policies 11.7.7.1, 11.7.7.2, 11.7.9.1 and 11.7.9.2

See also Sections 4.2, 4.4, 4.6, 5.5, 9, 11.7.9 and 15

Issue 11.7.7.4 - Anchoring can damage and destroy fragile organisms such as Black Coral and cause damage to sensitive habitats⁵

Objective 5.4.1.1
Policies 5.4.1.1, 5.4.1.2, 5.4.1.3 and 11.7.7.6
Rule 11.7.7.7

See also Section 5.4

Issue 11.7.7.5 - In some locations, moorings are required to secure ships or floating structures

Objectives 11.7.7.1 and 11.7.7.4
Policies 11.7.7.2, 11.7.7.3, 11.7.7.4, 11.7.7.5, 11.7.7.6, 11.7.7.7, 11.7.7.8, 11.7.7.9, 11.7.7.10, 11.7.7.11, 11.7.7.12, 11.7.7.13, 11.7.7.14, 11.7.7.15, 11.7.7.16, 11.7.7.17, 11.7.7.18, 11.7.7.19 and 11.7.7.20
Rules 11.7.7.1, 11.7.7.2, 11.7.7.3, 11.7.7.4, 11.7.7.5, 11.7.7.6, 11.7.7.8 and 11.7.7.9

See also Sections 4.2, 4.4, 4.6, 5.1, 5.3 and 5.8

⁵ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Objective 11.7.7.1
Policies 11.7.7.2, 11.7.7.4, 11.7.7.5,
11.7.7.6, 11.7.7.7, 11.7.7.8,
11.7.7.9, 11.7.7.11 and 11.7.7.19
Rules 11.7.7.1, 11.7.7.3, 11.7.7.4,
11.7.7.6, 11.7.7.8 and 11.7.7.9

Issue 11.7.7.6 - Mooring blocks and associated activities occupy space that is otherwise available for other uses

See also Section 9

Objective 11.7.7.4
Policies 11.7.7.2 and 11.7.7.10

Issue 11.7.7.7 - Moorings, if not properly maintained, become unsafe and this could result in a danger to other ships and structures

Objective 11.7.7.1
Policies 11.7.7.2, 11.7.7.3, 11.7.7.6,
11.7.7.7 and 11.7.7.12

Issue 11.7.7.8 - The design of mooring blocks and poles and the area of surface water associated with them needs to be compatible with the size of the attached ships

Objectives 5.3.1 and 11.8.1
Policies 11.7.7.2 and 11.7.7.6
Rule 11.7.7.10

Issue 11.7.7.9 - Pole moorings can create a hazard to navigation and are more visually obtrusive than swing moorings, yet they take up less space

Objective 5.4.1.1
Policies 11.7.7.2 and 11.7.7.6
Rules 11.7.7.6 and 11.7.7.7

Issue 11.7.7.10 - Swing moorings can damage benthic ecosystems

OBJECTIVES

Policies 11.7.7.2, 11.7.7.4, 11.7.7.5,
11.7.7.6, 11.7.7.7, 11.7.7.8,
11.7.7.9, 11.7.7.11 and 11.7.7.19
Rules 11.7.7.1, 11.7.7.3, 11.7.7.4,
11.7.7.5, 11.7.7.6, 11.7.7.8 and
11.7.7.9

Objective 11.7.7.1 - Establishment of moorings

Avoid, wherever practicable, remedy or mitigate the adverse effects of moorings.

Explanation - The establishment of marinas and moorings can have both positive and negative effects. Some of these activities are very space efficient, others less so depending on the design. Apart from space considerations, moorings and marinas also have other effects on matters such as visual amenity, navigation safety and public access.

See also Section 11.7.8

Policies 11.7.7.1, 11.7.7.2 and
11.7.7.17
Rules 11.7.7.1, 11.7.7.2, 11.7.7.4
and 11.7.7.7

Objective 11.7.7.2 - Anchorages

To ensure that adequate anchorages remain available for all mariners.

Explanation - Anchorages provide a safe haven for ships and are rated highly by ship operators. Such areas need to be available to everyone for safe navigation and passage around Southland's coastal marine area. The location of existing anchorages are listed in Appendix 6 and shown on the Maps in Appendix 3.

Policies 11.2.7, 11.7.7.1, 11.7.7.2
and 11.7.7.21
Rule 11.7.7.2

Objective 11.7.7.3 - Protect rat-free islands

To ensure that the rat-free status of offshore islands is not compromised by use and development of the coastal marine area.

Explanation - There are a number of rat-free islands in the Southland coastal marine area. These islands provide very important habitat for New Zealand's rare and endangered species as there are no uncontrollable predators of these species. Any wharf, mooring, or other structure in the coastal marine area can act as a "stepping stone" for predators to establish themselves on lands offshore if the structures are inappropriately placed without consideration of their effects in areas of high value. Ships moving from ports to other areas in the coastal marine area can also act as a "stepping stone" for predators.

See also Sections 5.4, 11, 11.7.10 and 20

Objective 11.7.7.4 - Safe navigation of Southland's coast

Policies 11.7.7.1, 11.7.7.2, 11.7.7.17 and 11.7.7.18
Rule 11.7.7.8

To ensure that safe navigation of coastal waters is not unnecessarily put at risk by inappropriate use and development within the coastal marine area.

Explanation - Southland's coastal marine area is a major asset for the Southland region that provides for commercial and recreational activities. The potential adverse effects of the development and use of the coastal marine area on anchorages, ports, wharves, appropriate moorings, marinas, boat ramps, and use of the area by various types of ships and craft, need to be considered to ensure that navigation safety is not compromised.

See also Sections 11, 11.7.8, 11.8 and 11.7.10

Objective 11.7.7.5 - Anchoring or mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area

Policy 11.7.7.22
Rule 11.7.7.13

To provide for anchoring and mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area where these activities are not incompatible with the special values of these areas and the cumulative adverse effects of these activities are not likely to be significant.

Explanation - Anchoring and mooring is not necessarily incompatible with protecting China Shops. However, in China Shops the adverse effects of anchoring or mooring (such as the disturbance of the seabed and destruction of marine communities) have the potential to be significant. Where activities pose a threat to these values, the areas should be identified and specific controls put in place to prevent damage.¹

POLICIES

Policy 11.7.7.1 - Anchorage value of coves and embayments

Rules 11.7.7.1, 11.7.7.2, 11.7.7.4 and 11.7.7.7

Maintain the anchorage value of coves and embayments that are recognised anchorages.

Explanation - Although some anchorages are used infrequently, the ability to use those anchorages is rated very highly by operators of fishing and recreational ships that operate in the coastal waters. For that reason, recognised anchorages require protection to ensure the safety of users of the coastal marine area.

An indicative list of known anchorages is shown in Appendix 6 and each anchorage is shown on the maps (Appendix 3).

Policy 11.7.7.2 - Consultation with Fishermen's Associations

Rules 11.7.7.1, 11.7.7.8, 11.7.7.9 and 11.7.7.10

Consult with Fishermen's Associations as a matter of course in respect of resource consent applications in areas that are either frequently fished or navigated.

Explanation - Fishermen are the most frequent users of coastal waters, and as such, should be specifically consulted with respect to activities that require a resource consent in coastal waters. This does not mean that other parties will not be consulted.

See also Section 11.7.8

¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Policy 11.7.7.3 - Compatibility of moorings and ships

Avoid, where practicable, remedy or mitigate the adverse effects of ships using moorings that are incompatible with the size of the ship and the prevailing coastal processes.

Explanation - The safety of the moored ship and other ships within the mooring area will be compromised if the mooring block, chain, etc is too light for the ship it is trying to secure. The question of compatibility is particularly important when moorings are transferred or used by other ships. To avoid problems arising, the Council will encourage mooring owners to provide information on the mooring as to the owner and the maximum designed ship tonnage of the mooring.

Policy 11.7.7.4 - Use of moorings where space is scarce

Avoid the mooring of ships, other than self-propelled ships, in areas where there is a scarcity of mooring or anchoring sites, or competition for space.

Explanation - Ships that, for example barges, are not self-propelled, normally used for storage or accommodation, which could be undertaken elsewhere. The availability of moorings to provide for such activities is therefore not as essential as the availability of moorings which provide for navigation safety. Self-propelled ships are used for navigation purposes, barges are not.

It is recognised, however, that where ships that are not self-propelled are used in the coastal marine area, they need secure moorings, perhaps more secure than propelled ships, because unlike the latter, they cannot motor out of trouble. Notwithstanding this, it is considered inappropriate to locate ships, which are not self-propelled, in anchorages where space is scarce. Given that such ships are generally in place for long periods, they could be reasonably be expected to find an appropriate location and place suitable moorings. They then tend to become a “mooring facility” that other ships tie up to rather than anchoring.

Policy 11.7.7.5 - Rationalisation of mooring arrangements

Encourage the rationalisation of mooring arrangements to allocate space in such a manner that the maximum number of ships can be accommodated in any given mooring area while having regard for the amount of space required by moored ships for safety and manoeuvring.

Explanation - This Policy aims to minimise the area within the coastal marine area designated for exclusive occupation. This involves optimising the space available for ships in any given mooring area, so that the maximum number of ships can moor in that area within safety limitations. This is especially important in areas where mooring space is scarce. Rationalisation of mooring opportunities also allows for maximising opportunities for multiple use of the rest of the coastal marine area by minimising the areas occupied by moored ships. At the same time, the policy recognises that the amount of space required for ships will vary dependent on the size of the ship, mooring conditions and manoeuvrability of the ship.

See also Sections 4.4, 4.6 and 5.8

Policy 11.7.7.6 - Mooring types

Rules 11.7.7.1, 11.7.7.3, 11.7.7.4, 11.7.7.8 and 11.7.7.10

Require moorings to:

- i be visually unobtrusive; and
- ii minimise damage to benthic ecosystems; and
- iii make efficient use of space.

Explanation – Generally, swing moorings are of lower visual impact than pole moorings and are safer to navigation. They may, however, disturb the bed of the sea floor more than pole moorings, but the effect of this disturbance will depend on type of vegetation and fauna on the seabed. Pole moorings and moorings using fixed ropes, or blocks and stern lines may have less effect on benthic ecosystems than a swing mooring. Swing moorings using the CALM system avoid damage to the benthic fauna and vegetation. In some instances, damage to benthic communities can arise because ships use buoys which are too light to firmly secure the ship. Council will require the owners of buoys to include details on the buoy of the maximum ship tonnage able to be safely moored to the buoys where that buoy could be used by other ships. Mooring configurations should use space efficiently to enable other like users access to the same area.

See also Sections 5.3, 5.4, and 11.7.8

Policy 11.7.7.7 - Use of specified mooring areas

Rules 11.7.7.1, 11.7.7.3, 11.7.7.4, 11.7.7.5, 11.7.7.6, 11.7.7.8 and 11.7.7.9

Encourage moorings to take place in areas set aside for that purpose.

Explanation - It is desirable to concentrate moorings to reduce conflict with other coastal marine area activities and minimise adverse effects on natural character.

See also Section 4.4, 4.6 and 5.8

Policy 11.7.7.8 - Establishment of mooring facilities in recognised anchorages

Rules 11.7.7.1, 11.7.7.3, 11.7.7.4, 11.7.7.5, 11.7.7.6, 11.7.7.8 and 11.7.7.9

Allow the establishment of mooring facilities in recognised anchorages where such facilities are available for the use of all mariners with no rights of preferential or exclusive occupation.

Explanation - Within recognised anchorages, a combination of mooring blocks, stern lines and permanent ropes is often used to enable either the safe use of a particular anchorage or the use of an anchorage by several boats. In many cases, the ships will be secured at both the stern and the bow and as such, will be unable to swing as if they were solely on an anchor or a swing mooring. This has advantages in terms of safety, multiple use of anchorage areas and minimising disturbance of benthic communities. Such mooring facilities are generally available for public use on a “first come first served” basis. If public use was alienated, it could render the anchorage useless as a safe haven for some ships, thereby putting those ships at risk.

See also Sections 4.4, 4.6 and 5.8

Policy 11.7.7.9 - Establishment of private mooring facilities in recognised anchorages

Rule 11.7.7.9

Allow the establishment of private mooring facilities in recognised anchorages only where there is no shortage of suitably sheltered space in the foreseeable future.

Explanation - Private mooring facilities are those over which there is a right of exclusive or preferential occupation. Therefore, they are not always available for use by all mariners. Some anchorages may be large enough to accommodate private and public

moorings. However, some anchorages are quite small and the granting of preferential or exclusive occupation could effectively make the anchorage unavailable.
See also Sections 4.4, 4.6 and 5.8

Policy 11.7.7.10 - Moorings and marinas to be maintained

Moorings and marinas are to be regularly inspected and maintained in good condition by their owners.

Explanation - Regular inspection and maintenance of moorings and marinas will prevent damage to other ships and structures in the coastal marine area. It will also prevent the environmental damage that can occur subsequent to grounding and salvage of ships.

See also Sections 5.3 and 11.7.8

Rules 11.7.7.4, 11.7.7.8, 11.7.7.11 and 11.7.7.12

Policy 11.7.7.11 - Specific mooring areas

Provide for defined mooring areas where the activity does not restrict navigation or other values of the area within which they are located.

Explanation - Only one area has previously been defined as a mooring area under the provisions of the Harbours Act 1950, and that is located at Halfmoon Bay. However, there are concentrations of moorings at the areas referred to in the introduction to Section 11.7.7. In high use areas, such as Halfmoon Bay, Golden Bay, Thule Bay, Twilight Bay, Blanket Bay and Greenpoint, the history of use for moorings is such that moorings are an acceptable activity.

Defined mooring areas should not interfere with the movement of other ships to and from wharves. Consideration was given to restricting the distance within which ships can moor from beaches, particularly at Oban, on the basis that they could interfere with recreation and be a danger. The practicality is that ships will not moor too close to shore for reasons of safety to the ships themselves. If they are too close to shore, or in the zone of wave action, then they are likely to be damaged.

See also Sections 3, 4.4, 4.5, 4.6, 5.3, 5.8, 11.7.10, 11.8 and Appendix 3

Policy 11.7.7.12 - Transfer of ownership of moorings

Avoid any increase in adverse effects resulting from a transfer of ownership of moorings.

Explanation - When the council issues a coastal permit for a mooring in the coastal marine area, it considers whether the proposed mooring is sufficient for the ship that will use it and for the types of sea and weather conditions that could reasonably be expected in the area. Section 135(a) of the Resource Management Act 1991 provides.

Policy 11.7.7.13 - Notifying Council of transfer of ownership

Require that where a coastal permit for a mooring facility is transferred, and:

- i the mooring facility is to be used by the same ship, the Southland Regional Council is notified of the name and address of the new owner, or
- ii a different ship is to use the mooring, the Southland Regional Council is notified of the dimensions and weight of that ship so that the Council can determine whether the mooring is safe for the ship to use, and that the ship will not collide with adjoining ships, or

- iii a ship other than a self-propelled ship is to use the mooring, the Council is provided with sufficient information to enable it to determine the effects of the change of use.

Explanation - The question of whether the existing consent can be transferred with the mooring facilities, or whether it will require a variation, or whether a new consent is required, will depend on the circumstances that prevail. In the case of (i) above, transfer will most probably be appropriate as would the use of the facility by smaller ship. Use by a larger ship or a different type of ship may not be appropriate.

Policy 11.7.7.14 - Access to shore facilities near mooring areas

Rules 11.7.7.1, 11.7.7.3, 11.7.7.4, 11.7.7.6 and 11.7.7.8

Maintain an area for uninterrupted and safe navigation to and from wharves and boat launching areas that are located near mooring areas.

Explanation - Uncontrolled mooring areas tend to impinge on wharves commonly used for access to and from shore facilities. Such wharves are located at Oban, Bluff, Riverton, Waikawa, Deep Cove, Blanket Bay and Milford Sound.

See also Sections 5.5, 5.8, 11.7.8 and 11.8

Policy 11.7.7.15² - Moorings within Bluff Port Zone

Rule 11.7.7.7

Discourage new moorings in the Bluff Port Zone where these could adversely affect port activities and other existing activities within the Zone.

Explanation - Congestion and manoeuvring problems arise out of the location of moored ships near port operations, boat ramps, and in areas of junior sailing activities associated with the Bluff Sea Scouts and the Bluff Yacht Club. It is therefore inappropriate to provide for new moorings in the Bluff Port Zone where these could adversely affect port activities and other existing activities.

See also Sections 5.5, 5.8, 11.7.10 and 11.8

Policy 11.7.7.16 - Mooring history in Bluff Port Zone

Positively consider the history and use of existing moorings within the Bluff Port Zone prior to 1 July 1994 when considering resource consent applications for such moorings.

Explanation - There are a number of unlawful moorings at Bluff within the Bluff Port Zone. Some of these are appropriately located and of little concern. Others, however, may give rise to adverse effects and their legalisation may not be appropriate.

Policy 11.7.7.17 - Moorings in Harrison Cove

Rules 11.7.7.5, 11.7.7.6 and 11.7.7.7

Limit the number of mooring in Harrison Cove to a total of four private moorings and one public mooring.

Explanation - Harrison Cove is a traditional anchorage for visiting fishing boats and yachts. It is the most seaward safe anchorage in Milford Sound and one of only three areas suitable for such purposes. Of the other two, Freshwater Basin is unavailable to the public and some parts of Deep Water Basin are fully committed to fishing boats or other ships. To preserve public access to Harrison Cove, one mooring site should be set aside for public use.

Due to the relatively shallow depth, Harrison Cove contains the largest area of soft bottom communities inside the Piopiotahi Marine Reserve in Milford Sound. It is an area of very high natural value and an important component of the reserve. Any activity

² Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

that could detrimentally affect those communities should be avoided. This includes the mooring of ships in that part of the cove containing soft bottom communities. Moorings, however, are appropriate in other parts of Harrison Cove. Harrison Cove can support five moorings without causing significant damage to the soft bottom communities within the Marine Reserve.

See also Section 5.5

Policy 11.7.7.18 - Availability of Deep Water Basin

Give priority to the berthing, mooring or anchoring of commercial fishing ships at Deep Water Basin.

Explanation - About 30 fishermen operate from Deep Water Basin, mainly fishing for rock lobster. However, during the tuna season, ships from other ports fish off Milford Sound and while doing so, use Milford Sound as a base for fuel, supplies, etc.

Commercial fishermen were formerly based at Freshwater Basin until the combined number of tourism and fishing ships became such that there was insufficient space for both. Subsequently, facilities were built at Deep Water Basin and fishing ships moved there leaving Freshwater Basin to the tourism operators that existed at the time. In 1983, the Milford Sound Harbour Regulations came into effect. These regulations principally deal with the use of the Deep Water Basin berthage facility and associated amenities building on adjoining land. These facilities are now managed by the Department of Conservation.

The Harbour regulations embody a philosophy that fishing boats have precedence over all other ships when it comes to allocating berths at Deep Water Basin. With the recent expansion of tourism, tourism operators have gained consent for moorings in Deep Water Basin. Fishermen are concerned that once again their use or potential use of a safe berthing facility is threatened. This concern is heightened by the fact that there is a need for more permanent fishing boat berths at Deep Water Basin, but for one reason or another, these have not been constructed. In the interests of multiple use of mooring, berthage and anchorage facilities in Milford Sound, the ability of Deep Water Basin to meet the reasonably foreseeable needs of active fishing ships needs to be preserved.

It is also noted that tourism activities are generally incompatible with the fishing industry activities. It is inappropriate to load tourists onto ships berthed at the existing jetty or pile moorings westward of the jetty or onto ships moored in the backwater.

See also Sections 4.6 and 5.4.2

Policy 11.7.7.19 - Right to occupy Deep Water Basin

The granting of a right to occupy any part of Deep Water Basin by ships other than those used actively and principally for commercial fishing shall be limited to a period of two years or whatever longer period is agreeable to the Fiordland Branch of the Federation of Commercial Fishermen.

Explanation - While it is reasonable to preserve the opportunity for fishermen to berth, moor or anchor in Deep Water Basin, it is unreasonable to exclude the use of this space by others for the time being unless there is a demonstrable need for the space. The granting of short term consents will facilitate efficient use of available space while preserving the long term opportunity for fishermen to use that space.

See also Section 4.4

Policy 11.7.7.20 - Moorings for remote properties

Provide for moorings to facilitate practical access to land which is dependent on water access.

Explanation - Moorings facilitate access to remote properties on Stewart Island and elsewhere. It is reasonable to provide moorings for landowners that are dependent on water access, provided any adverse effects can be avoided, remedied or mitigated.

Policy 11.7.7.21 - Anchoring near rat free islands

Encourage mariners to avoid wherever practicable, using anchorages at off-shore islands classified as either minimum impact, refuge, restoration or open sanctuary.

Explanation - There are some rat free islands which have recognised anchorages (Appendix 6) and care needs to be taken to avoid the reinfestation of predators for these islands. Rule 11.7.7.2 requires resource consent to moor within 400 metres of the most significant of these islands. Where moorings do take place, it is the responsibility of each mariner to take care not to adversely affect these areas, as they contain various ecological values which need to be sustained and enhanced. This will include not using lines from ships to shore to moor the ship, as these can be used by predators such as rats. The Department of Conservation consults with fishers and other persons likely to moor near predator vulnerable islands and the Council supports such an approach, including the preparation of guidelines for such persons to assist them in taking appropriate action to avoid infestation of predators to these islands.

Policy 11.7.7.22 - Anchoring or mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area

Rule 11.7.7.13

Prohibit anchoring or the placement of moorings in those China Shops shown on Maps 2 to 6 of Appendix 3A. These China Shops have been identified as particularly sensitive to the adverse effects of anchoring and mooring.

Explanation - The Guardians of Fiordland's Fisheries and Marine Environment identified, in the Fiordland Marine Conservation Strategy document, areas of special significance where the natural values would be severely compromised because of the disturbance of the seabed by vessels anchoring or mooring. These areas are identified in Maps 2 to 6 of Appendix 3A of this Plan and are described as –

- Clio Rock in Bligh Sound;
- the area between Macdonell Island and Gardner Head in Bradshaw Sound;
- the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds;
- Nine Fathoms Passage, off Cooper Island, Dusky Sound;
- Narrow Bend from Adam Head to Sandy Point in Long Sound.³

³ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

RULES

Rule 11.7.7.1 - Mooring facilities in recognised anchorages except for in specified mooring areas

The establishment of mooring facilities in recognised anchorages listed in Appendix 6, where such facilities are available for the use of all mariners, is a permitted activity provided that:

- a information is shown on any buoy, pole, or device marking a mooring showing:
 - i the owner of the mooring
 - ii the maximum designed ship tonnage of the mooring
 - b the Southland Regional Council is advised prior to the installation of the mooring of:
 - i the owner of the mooring
 - ii the maximum designed ship tonnage of the mooring
- except that this rule does not apply to:
- c anchorages referred to in Rules 11.7.7.2, 11.7.7.4, 11.7.7.5 and 11.7.7.13
 - d anchorages in any marine reserve, Deep Cove or Milford Sound.⁴

Explanation - In most cases, these types of facilities have been in place for some time and are subject to regular maintenance by the most regular users in the interests of their own safety. Generally, there is no competition for space with ships often tying up alongside the ships that are actually directly attached to the actual mooring arrangement. Furthermore, the history of anchoring in these areas is likely to have already modified benthic ecosystems.

Anchorages in marine reserves, Deep Cove and Milford Sound have been excluded from this Rule because extra care is required in marine reserves and space is scarce in Deep Cove and Milford Sound.

Rule 11.7.7.2 - Mooring Facilities near rat free islands

The anchoring or mooring overnight within 400 metres of the following islands is a discretionary activity:

- Breaksea Island Group, including Wairaki Island and the island approximately 700 metres generally west thereof, and Hawea Island and the island approximately 700 metres east thereof
- Entry Island
- Thrum Cap
- Passage Islands
- Chalky Island (Te Kakahu-O-Tamatea)
- Pig Island
- Little Solander Island

Explanation - There are a number of islands within the coastal marine area that are both rat and mustelid free and it is appropriate to take appropriate regulatory action to provide protection to these islands, in addition to the non-regulatory consultation undertaken by the Department of Conservation with those persons likely to moor near such islands. The principal concern is rats, in particular the Norway rat. While mustelids are of concern, they are not known to travel island to island via boats. This rule applies to those rat free and mustelid free islands beyond 400 metres from land or islands that were inhabited by rats, because on the basis of present information 400 metres is considered to be the maximum swimming distance of rats.

See also Section 5.4

⁴ Amended as a result of the Fjordland (Te Moana o Atawhenua) Marine Management Act 2005

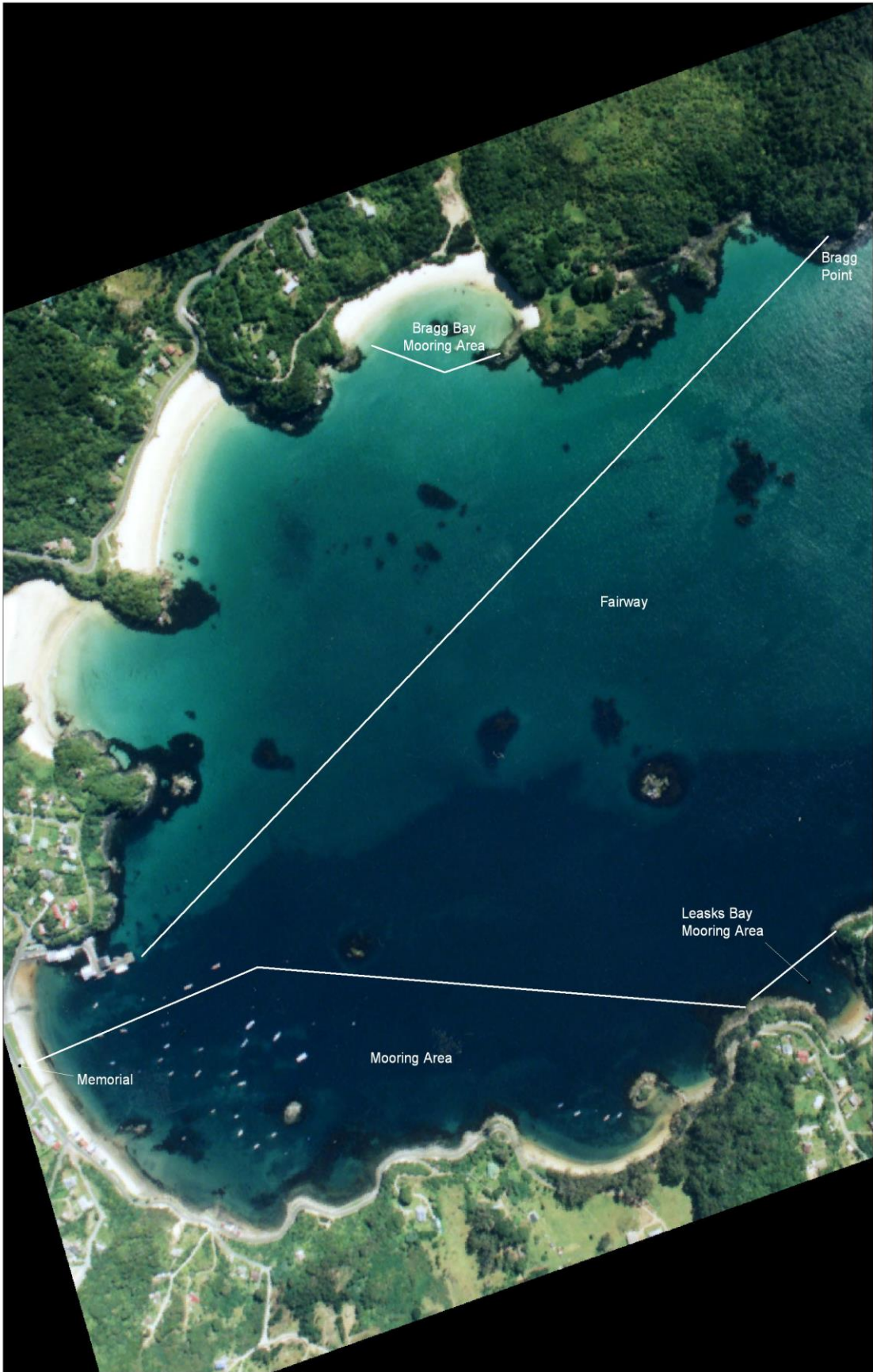
Rule 11.7.7.3 - Moorings in specific areas of Stewart Island

The placement of new moorings, and the replacement of existing moorings (including the occupation of the coastal marine area by the mooring blocks) at Golden Bay, Iona Island (eastern side), Leask Bay, Braggs Bay, Halfmoon Bay, Horseshoe Bay and Deep Bay (north-west side) is a permitted activity provided:

- i they are located in the specified mooring areas marked on the plans in Figures 11.7.7.1, 11.7.7.2 and 11.7.7.3; and
- ii in swinging about the mooring, the ship will not collide with other ships; and
- iii they are not pole moorings; and
- iv the mooring block and chain are regularly inspected and maintained by the owner; and
- v they are not moored in a manner that obstructs access to adjoining boatsheds;
- vi information is shown on any buoy, pole or device marking a mooring showing:
 - a the owner of the mooring
 - b the maximum designed ship tonnage of the mooring
- vii the Southland Regional Council is advised prior to the installation of the mooring of:
 - a the owner of the mooring
 - b the maximum designed ship tonnage of the mooring

Explanation - Moorings have been laid in the above areas for many years, without significant problems occurring. The only regulation of this activity has been a Harbours Act 1950 bylaw prohibiting mooring within a fairway approaching the Halfmoon Bay wharf. Given that there are identifiable areas within which mooring is an acceptable activity, there is no particular reason why this unregulated situation should not continue while adequate space remains for more moorings. However, once a defined area nears capacity, a more regulated approach may be required, i.e. prohibit new moorings and manage the transfer of existing ones. The mooring area at Golden Bay may be approaching this situation. While none of the existing moorings at Stewart Island have preferential or exclusive rights of use, the reality is that for each mooring there is a “custodian” who habitually uses a particular mooring.

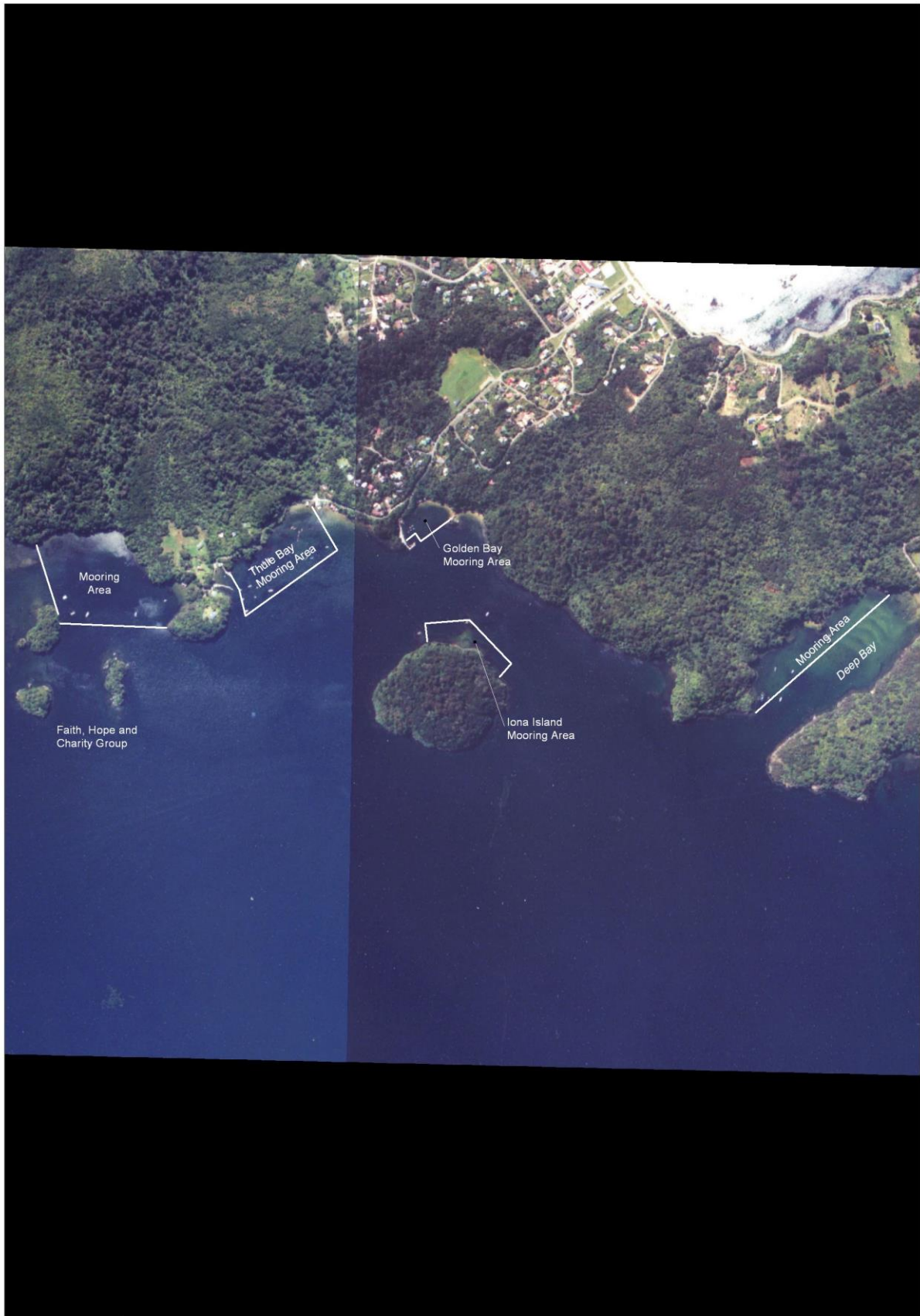
See also Section 4.4



 <p>environment SOUTHLAND</p>	<p>Produced by the Environment Southland GIS, November 2010 Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED Road centreline data obtained from the LINZ OCCB. CROWN COPYRIGHT RESERVED Faultline data obtained from the Institute of Geological and Nuclear Sciences. Approved for internal reproduction by Environment Southland.</p>		<p>Fig 11.7.7.1 Halfmoon Bay Environment Southland Coastal Plan</p>	<p>1 : 7,500</p>
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 <p>environment SOUTHLAND</p>	<p>Produced by the Environment Southland GIS, November 2010 Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED Road centreline data obtained from the LINZ DCCDB. CROWN COPYRIGHT RESERVED Faultline data obtained from the Institute of Geological and Nuclear Sciences. Approved for internal reproduction by Environment Southland.</p>	 <p>N</p>	<p>Fig 11.7.7.2 Horseshoe Bay Environment Southland Coastal Plan</p>	<p>1 : 7,500</p>
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	<p>Produced by the Environment Southland GIS, November 2010</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED</p> <p>Road centreline data obtained from the LINZ DCDB. CROWN COPYRIGHT RESERVED</p> <p>Faithline data obtained from the Institute of Geological and Nuclear Sciences. Approved for internal reproduction by Environment Southland.</p>		<p>Fig 11.7.7.3 Deep Bay, Golden Bay, Thule Bay, Faith, Hope and Charity Group</p> <p>Environment Southland Coastal Plan 1 : 12,500</p>
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Rule 11.7.7.4 - Moorings at Greenpoint

The placement of new moorings, and the replacement of existing lawful moorings, including their occupation of the coastal marine area at Greenpoint where:

- i they are located in the specified mooring areas marked on the map of Bluff Harbour (see Appendix 3); and
 - ii in swinging about the mooring, the ship will not collide with other ships; and
 - iii they are not pole moorings; and
 - iv the mooring block and chain are regularly inspected and maintained by the owner;
 - v information is shown on any buoy, pole or device marking a mooring showing:
 - a the owner of the mooring;
 - b the maximum designed ship tonnage of the mooring;
 - vi the Southland Regional Council is advised prior to the installation of the mooring of:
 - a the owner of the mooring;
 - b the maximum designed ship tonnage of the mooring;
- is a controlled activity.

In assessing applications for moorings in the above area, the following matters will be considered:

- i proposed location;
- ii effect on other ships;
- iii details of mooring block, chain, etc;
- iv access through the mooring area;
- v navigation safety;
- vi inspection and maintenance programme.

The matters that the Southland Regional Council shall exercise its control over are:

- 1 the siting of the moorings;
- 2 navigation safety and access to moorings;
- 3 the type of mooring block and chain used.

Explanation - There is little reason to significantly change the way moorings were allocated by the Southland Harbour Board prior to the Resource Management Act 1991 coming into force, except to ensure safety issues are taken care of and the rights of other users are recognised. The Greenpoint Yacht Club has expressed a willingness to assist the Regional Council at no charge by providing information relevant to the application. However, while the Council recognises and will use this group as a source of local expertise, it also recognises that it could also have a conflict of interest.

See also Section 11.8 and Appendix 3

Rule 11.7.7.5 - Moorings in Harrison Cove

The establishment and use of any new mooring in Harrison Cove, where such activity will not result in the total number of moorings in Harrison Cove exceeding five, is a restricted discretionary activity.

The matters that the Council will restrict its discretion to include site selection and placement of mooring, availability of the mooring for public use and effects on benthic ecosystems.

Explanation - Due to its relatively shallow depth, Harrison Cove contains the largest area of soft bottom communities inside the Piopiotahi Marine Reserve in Milford Sound. It is an area of very high natural value and an important component of the reserve. Previous dive studies have indicated that mooring blocks and associated chains will result in substantial damage to benthic fauna unless located in more than 40 metres of water where marine life is relatively absent compared to shallower depths.

This depth requirement effectively narrows the width of the cove that is available for moorings. Once an allowance is made for swing areas, unsuitable areas and preservation of the intrinsic value of the existing habitat, a natural limit of five moorings is apparent. Policy 11.7.7.16 advocates that one of these five moorings should be available for public use.

See also Section 11.8 and Appendix 3

Rule 11.7.7.6 - No more moorings in Harrison Cove

The establishment and use of any new moorings in Harrison Cove, where such an activity will result in the total number of moorings in Harrison Cove exceeding five, is a prohibited activity.

Explanation - As described in the explanation to Rule 11.7.7.5, Harrison Cove only has sufficient space to accommodate a total of five moorings. Allowing more than five moorings will endanger the benthic fauna and natural character of the cove.

See also Sections 5.1 and 5.4

Rule 11.7.7.7 - Anchoring in Harrison Cove

Anchoring in Harrison Cove, in water less than 60 metres in depth, is a prohibited activity.

Explanation - The movement of an anchor chain as a ship swings about the anchor whilst moored can significantly damage and prevent regrowth of benthic fauna. However, where the water exceeds 60 metres in depth in Harrison Cove, there is substantially less benthic fauna present that could be adversely affected by anchoring than is the case in shallower depths.

Restricting anchoring to waters of such depth effectively maintains clear access to moorings situated in 40 to 50 metres of water.

Allowing anchorage in this area of Harrison Cove provides an anchorage in Milford Sound for large ships that are physically unable to enter Deep Water Basin.

See also Section 5.4

Rule 11.7.7.8 - Moorings in other areas

The placement of moorings, and their occupation of the coastal marine area in areas, other than those specified in Rules 11.7.7.1, 11.7.7.3, 11.7.7.4, 11.7.7.5 and 11.7.7.13, are a discretionary activity.

Explanation - Rules 11.7.7.1, 11.7.7.3, and 11.7.7.4, seek to concentrate moorings in areas of historical use. Moorings outside of these areas are more likely to adversely

affect navigation safety or other environmental values and are therefore worthy of greater scrutiny. Moorings in the five locations listed in Rule 11.7.7.13 are prohibited.¹
See also Section 5.1, 5.4 and 11.8

Rule 11.7.7.9 - Moorings for which preferential or exclusive use is required

The placement of moorings, and their occupation of the coastal marine area in the areas covered by Rule 11.7.7.1 (for which preferential or exclusive use is required), are a discretionary activity.

Explanation - Where a security of tenure is required by the mooring owner, it is appropriate that this be provided for by a coastal permit. The consideration of such an application will have to take into account the degree to which public use of the anchorage would be alienated.

See also Sections 5.3 and 11.8

Rule 11.7.7.10 - Pole moorings

Pole moorings in any part of the coastal marine area are a discretionary activity.

Explanation - Pole moorings have greater visual impact than other forms of moorings and present a physical obstruction to ships.

See also Sections 5.3 and 11.8

Rule 11.7.7.11 - Moorings at Thule Bay, Stewart Island

- a New moorings at Thule Bay are a discretionary activity.
- b Replacement of existing moorings at Thule Bay are a controlled activity. The matters that the Southland Regional Council shall exercise its control over are:
 - i they are located in the specified mooring areas marked on the plans in Figure 11.7.7.3; and
 - ii in swinging about the mooring, the ship will not collide with other ships; and
 - iii they are not pole moorings;
 - iv the mooring block and chain are regularly inspected and maintained by the owner; and
 - v they are not moored in a manner that obstructs access to adjoining boatsheds.
 - vi information is shown on any buoy, pole or device marking a mooring showing:
 - a the owner of the mooring;
 - b the maximum designed ship tonnage of the mooring;
 - vii the Southland Regional Council is advised prior to the installation of the mooring of:
 - a the owner of the mooring;
 - b the maximum designed ship tonnage of the mooring.

Explanation - In the past, moorings have been laid at Thule Bay without any significant problems occurring. This area is now reaching capacity and a more regulated approach is required. However, there is no practical reason why existing moorings should not be able to be maintained and replaced.

¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Rule 11.7.7.12 - Anchoring or mooring in parts of Port Pegasus

Any activity involving anchoring or placement of moorings between Rosa Island and the wharf in North Arm of Port Pegasus as shown on Figure 11.7.7.4 is a prohibited activity.

Explanation - The area between Rosa Island and the wharf contains a sensitive benthic marine community including black coral, which is vulnerable to damage from anchoring and mooring. As a consequence, it is necessary to prohibit anchoring and mooring in that area.

Rule 11.7.7.13 - Anchoring or mooring in China Shops in the Fiordland (Te Moana o Atawhenua) Marine Area

Any activity involving anchoring or placement of moorings in the following areas of the Fiordland (Te Moana o Atawhenua) Marine Area, defined in Maps 2 to 6 of Appendix 3A is a prohibited activity:

- Clio Rock in Bligh Sound;
- the area between Macdonell Island and Gardner Head in Bradshaw Sound;
- the area at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds;
- Nine Fathoms Passage, off Cooper Island, Dusky Sound;
- Narrow Bend from Adam Head to Sandy Point in Long Sound.

Explanation - The natural values would be severely compromised if vessels anchor or moor in these locations.²

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 11.7.7 are:

- 11.7.7.1 The adverse effects of marinas, anchorages and moorings are avoided, remedied or mitigated.
- 11.7.7.2 Adequate anchorages are available for all mariners.
- 11.7.7.3 The use and development of the coastal marine area does not compromise the rat-free status of offshore islands.
- 11.7.7.4 Use and development of the coastal marine area will not unnecessarily put at risk the safe navigation of coastal waters.

11.7.8 Marinas

There are no marina developments in the coastal marine area of the Southland region, although the wharf and pile moorings at Deep Water Basin and the jetties and pile moorings at Freshwater Basin could be considered so. Marina developments have benefits over mooring areas, in that they allow for more craft to be moored over a given area, thereby reducing the area required for the mooring of ships. However, marinas can have adverse environmental effects, especially on natural character, and depending on design and location, on coastal processes. The relatively high cost of marina developments, however, means that not all mooring users can afford space within a marina. Therefore, where marinas are established it is important to ensure that adequate provision is made for existing users.

² Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Activities that are associated with marinas include:

- dredging;
- reclamation;
- erection of structures;
- building of breakwaters;
- provision for waste disposal;
- facilities for refuelling and boat maintenance.

The impacts that arise from these activities are dependent upon the scale and intensity of marina development. Such developments can adversely effect the visual amenity of an area as well as causing restrictions on public access and use of the area.

ISSUE

Issue 11.7.8.1 - Marinas reduce the area required for mooring activities but their associated structures have the potential to significantly impact on the environment

See also Section 11.7.7.1

OBJECTIVE

Objective 11.7.8.1 - Establishment of marinas

Avoid wherever practicable, remedy or mitigate the adverse effects of marinas.

Explanation - The establishment of marinas can have both positive and negative effects. Some of these activities are very space efficient, others less so depending on the design. Apart from space considerations, marinas also have other effects on matters such as visual amenity, navigation safety and public access.

See also Sections 5.3, 11.7.7 and 11.8

POLICY

Policy 11.7.8.1 - Marinas to be maintained

Marinas are to be regularly inspected and maintained in good condition by their owners.

Explanation - Regular inspection and maintenance of moorings and marinas will prevent damage to other ships and structures in the coastal marine area. It will also prevent the environmental damage that can occur subsequent to grounding and salvage of ships.

See also Sections 11.7.7 and 11.8

RULE

Rule 11.7.8.1 - Marinas

Marinas in any part of the coastal marine area, are a discretionary activity.

Explanation - The adverse effects of marinas in the coastal marine area can be wide and varied, including visual effects, physical effects on the marine ecosystem, amenity and natural character effects. All adverse effects need to be considered so that they can be avoided, remedied or mitigated.

11.7.9 Storage of Rock Lobster/Cod Pots

When in use, rock lobster and cod pots are generally scattered and located in one position for only a short time. This does not generally give rise to navigation safety problems. When such pots are concentrated, as when stored on the seabed on a long term basis, they can impact on navigation natural character and be a visual intrusion because of density, size, extent, and relative permanence. This is a particular issue if it occurs in or near anchorage areas, within navigation routes, within recreation areas or in areas popular for tourism.

ISSUES

Objectives 5.3.1, 11.7.9.1 and 11.8.1
Policies 11.7.9.1 and 11.7.9.2

Issue 11.7.9.1 - Buoys and ropes associated with underwater rock lobster and cod pot storage, and with holding pots can be a hazard to navigation safety, and can give rise to adverse visual effects

See also Sections 5.3 and 11.8

Objective 11.7.9.1
Policies 11.7.9.1 and 11.7.9.2

Issue 11.7.9.2 - Storage of rock lobster/cod pots in sheltered bays can restrict the use of that area as an anchorage

OBJECTIVE

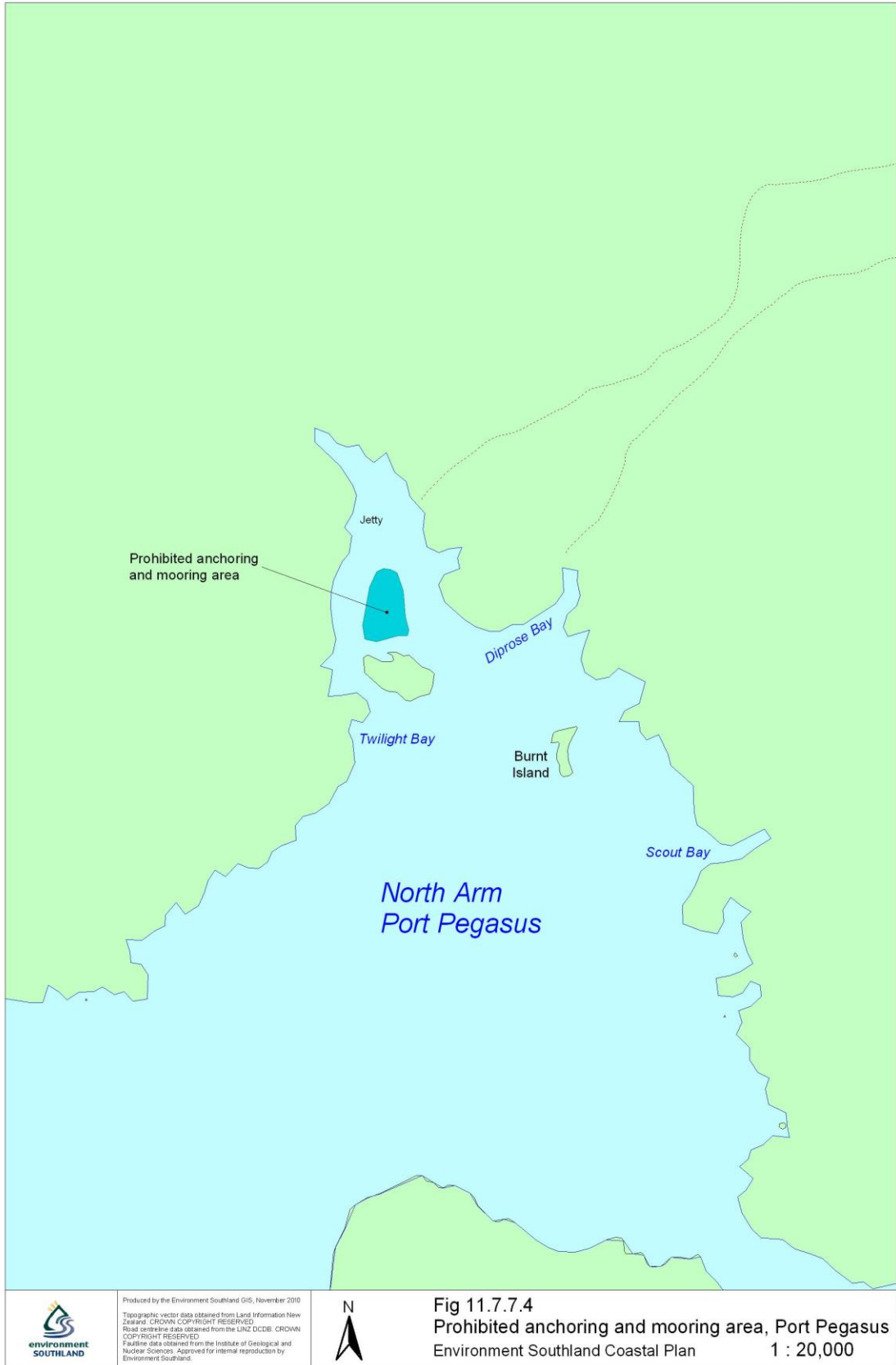
Policies 11.7.9.1 and 11.7.9.2

Objective 11.7.9.1 - Appropriate storage of rock lobster and cod pots

To ensure that where it is necessary to store rock lobster and cod pots in the coastal marine area, the adverse effects of such storage are avoided, wherever practicable, remedied or mitigated.

Explanation - Storage of rock lobster and cod pots away from navigation routes, anchorages, sensitive benthic habitats, and within a minimal area will minimise adverse effects on other activities and the environment.

See also Sections 5.3 and 11.8



POLICIES

Policy 11.7.9.1 - Storage and use of rock lobster and cod pots

Discourage the storage of rock lobster and cod pots and use of storage (coff) pots in locations where they could damage significant vegetation and fauna, be a hazard to navigation safety, anchorages, recreational activities, or have an adverse effect on visual amenity.

Explanation - While it is recognised that when fishing in remote locations it is convenient and in the interests of safety to leave pots near the fishing grounds rather than bringing them back to the home port, there are some areas that are more suitable for storage purposes than others. Fishermen need to be encouraged to use areas where storage activity will not adversely impact on other values of the coastal marine area. See also Section 5.3, 5.4, 11.7.7, 11.8 and 14.2

Policy 11.7.9.2 - Encourage the development of storage plans for rock lobster and cod pots

Encourage the fishing industry to prepare storage plans for rock lobster and cod pots in the Southland coastal marine area.

Explanation - The identification of areas in the Southland coastal marine area which are appropriate and inappropriate for the storage of rock lobster and cod pots would be an invaluable tool for mitigating any adverse effects. Fishermen would then be encouraged to use areas where storage activity will not adversely impact on other values of the coastal marine area such as sensitive benthic habitats, anchorages and navigation routes.

See also Sections 5.3, 5.4, 11.7.7, 11.8 and 14.2

OUTCOME

The outcome expected from adopting the objective and policy listed in Section 11.7.9 is:

11.7.9.1 The adverse effects from the storage of rock lobster and cod pots in the coastal marine area, are avoided, remedied or mitigated.

11.7.10³ Ports/Harbours/Havens

Ports fulfil a major economic role for the region, providing the facilities for the landing and shipping of a range of goods. Within Southland, there are several ports of varying social and economic significance. Bluff, in particular, is regionally significant, having extensive commercial infrastructure. The ports of Southland are:

Bluff	-	international import/export port, providing for general cargo and the servicing of the aluminium smelter
	-	fishing fleet
	-	passenger and cargo services to Stewart Island
Oban	-	passenger and cargo services to Bluff
	-	fishing fleet
	-	tourist ships
	-	research ships
Horseshoe Bay	-	fishing fleet

³ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

Riverton	-	fishing fleet
Waikawa	-	fishing fleet predominantly
Deep Cove	-	fishing fleet
	-	tourist ships
	-	research ships
Milford Sound	-	tourist ships
	-	fishing fleet
Blanket Bay	-	fishing fleet
Mullet Bay	-	fishing fleet (three boats), no wharf

With the exception of Bluff, the operational area associated with these port facilities and activities is not large. Potential adverse effects arise from port operations through:

- exclusive or preferential occupation of seabed or foreshore;
- reclamation and dredging;
- spillages into the coastal marine area or onto adjoining land;
- discharges from holding and ballast tanks;
- refuse and unwanted materials;
- discharge of residues from ship maintenance;
- loss of natural character;
- related structures affecting coastal processes.

See also Section 5.7, 10, 11 and 11.7.7

ISSUES

Issue 11.7.10.1 - Ports require exclusive occupation of parts of the coastal marine area

Policies 4.5.1, 11.2.8, 11.7.10.1 and 11.7.10.2

Issue 11.7.10.2 - Ports can give rise to a number of adverse effects to the surrounding environment

Objective 11.7.10.1
Policies 11.7.10.1 and 11.7.10.2

Issue 11.7.10.3 - Ports are places which have a higher risk of discharges into the coastal marine area

Objectives 7.3.5.1, 7.3.8.2.1 and 11.7.10.1
Policies 7.3.5.1, 7.3.5.3, 7.3.8.2.1, 7.3.8.2.2, 11.7.10.1, 11.7.10.2 and 11.7.10.3
Rules 7.3.8.2.1 and 7.3.8.2.2

Issue 11.7.10.4 - Ports can act as a "stepping stone" for predators to move from the mainland to predator vulnerable islands offshore

Policies 11.7.7.21 and 11.7.10.4

See also Section 11.7.7 and Policy 11.7.7.2.1

OBJECTIVE

Objective 11.7.10.1⁴ - Providing for port facilities and activities

Policies 11.7.10.1 and 11.7.10.2

Provide for port facilities and activities while avoiding, where practicable, remedying or mitigating their adverse effects.

Explanation - It is recognised that port facilities and activities are necessary for the socio-economic well-being of the Southland region. However, their adverse effects still need to be avoided wherever practicable, remedied or mitigated.

⁴ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

POLICIES

Policy 11.7.10.1 - Necessity for structures for port areas and public wharves

Recognise the necessity for structures and associated facilities to facilitate the safe movement and transfer of cargo and passengers within port areas and to and from wharves.

Explanation - Structures are a necessary interface between land and sea to safely and efficiently transport people and goods. Such facilities contribute to the social, economic and cultural well-being of the community.

See also Section 20

Policy 11.7.10.2 - Recognising the need for other facilities adjacent to port facilities

Recognise the necessity for ships to have access to berthage, manoeuvring space and passage clear of unnatural obstructions, adjacent to and approaching port facilities.

Explanation - Port areas are of considerable social and economic value and in some cases an essential infrastructural element. This needs to be recognised and accorded an appropriate degree of protection. It also needs to be recognised that over time the relative importance of ports within the region may change as may the relative importance of other activities that take place near port areas. In some ports, facilities may need to be expanded while in others the use may decline.

See also Section 20

Policy 11.7.10.3⁵ - Bluff Port Zone

Recognise the highly modified nature of the coastal marine area in the Bluff Port Zone.

Explanation - The Bluff Port Zone is Southland's most highly modified commercial area of the coastal marine area. It is of considerable social, cultural and economic value to the Southland region and to the industries reliant on port activities.

Some of the existing uses in the Bluff Port Zone include commercial port facilities, fishing and recreational facilities, navigational aids and channels. In considering new activities in the Bluff Port Zone, effects on the existing uses and the developed nature of the area will be matters considered in assessing resource consent applications.

Refer to Section 18

Policy 11.7.10.4 - Encourage operators to have rat-free ships

Encourage operators to take precautions on their ships to avoid the risk of transporting rats or mice from one area to another.

Explanation - Ports, wharves, moorings, or other structures in the coastal marine area can act as a "stepping stone" for predators, such as rats, to establish themselves on lands offshore by either swimming to these lands or being transported there on ships. In order for rat-free islands offshore not to be reinfested with predators such as rats, it is important that ship operators take precautions on their ships to avoid the risk of transporting rats or mice from one area to another. Such precautions could include carrying rat poison and traps, and checking that their ship is not harbouring any rodent

⁵ Changed by Environment Court Consent Order – Judge Jackson – 9 August 2004

vermin. If such vermin are found, they should be destroyed before anchoring or mooring near any rat-free islands.

See also Section 11.7.7 and Policy 11.7.7.2.1

OUTCOME⁶

The outcome expected from adopting the objective and policies listed in Section 11.7.10 is:

11.7.10.1 The adverse effects from port facilities and activities are avoided, remedied or mitigated.

11.8 Navigation Safety

See also Section 10

The use of the coastal marine area for navigation is one of its core values. The coastal marine area facilitates the economic transfer of goods and people both around and beyond the region.

ISSUES

Issue 11.8.1 - Structures and some activities can adversely affect navigation safety within the coastal marine area

See also Section 5.5, 11.2 and 11.7.7

Objective 11.8.1
Policies 10.2.5, 11.2.13, 11.2.14, 11.7.7.14, 11.7.7.15, 11.7.7.16, 11.8.2 and 11.8.3
Rules 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.6, 11.7.6.3, 11.7.6.4, 11.7.7.8, 11.7.7.10 and 11.8.1

Issue 11.8.2 - The sea is an international, national, or regional highway and its safe use for this purpose must be provided for, sometimes at the expense of other users

See also Issues 10.1 and Section 11.7.7

Objective 11.8.1
Policies 11.7.7.6, 11.7.7.14, 11.7.7.15, 11.8.1 and 11.8.2

Issue 11.8.3 - Ships moving on or under the water desire to take the most direct route in moving between points and it is inconvenient, inefficient and less safe to unnecessarily do otherwise

Objective 11.8.1
Policies 11.8.1, 11.8.2 and 11.8.3

OBJECTIVE

Objective 11.8.1 - Safe and efficient navigation

To ensure there is safe and efficient navigation in the coastal marine area.

Explanation - Navigation routes around Southland's coast are important socially and economically, particularly in regard to safety. These routes need to be provided and retained. The types of ships that use a locality need to be considered when assessing what is required for particular navigation routes. Ships that use a navigation route may range in size from a kayak to a bulk carrier.

See also Section 10.1

Policies 10.2.5, 11.2.13, 11.2.14, 11.8.1, 11.8.2, 11.8.3, 11.7.7.14, 11.7.7.15 and 11.7.7.16
Rules 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.6, 11.7.6.3, 11.7.6.4, 11.7.7.8, 11.7.7.10 and 11.8.1

⁶ Changed by Environment Court Consent Order – Judge Jackson, 9 August 2004

POLICIES

Rules 11.7.6.3, 11.7.6.4, 11.7.7.8, 11.7.7.10 and 11.8.1

Policy 11.8.1 - Existing navigation routes

Preserve existing navigation routes:

- around the coast of the region; and
- to and from launching places, ports and anchorages.

Explanation - Protection of routes is required for safety reasons and for minimising the distances that need to be travelled in the water.

See also Section 10.1

Rules 11.2.1, 11.2.2, 11.2.3, 11.2.4, 11.2.6, 11.7.6.3, 11.7.6.4, 11.7.7.8, 11.7.7.10 and 11.8.1

Policy 11.8.2 - Avoid adverse effects on navigation safety

Avoid any adverse effects from structures and activities on navigation safety.

Explanation - Ships of all sizes rely on certain areas of water and specific depths of water to maintain safe navigation. The occupation of such waters by structures may force ships to use waters they would prefer not to and endanger those craft. This is of particular importance where structures are located within the coastal marine area but not attached to the shore. Structures need to be designed and sited and activities e.g. moorings carried out so that the adverse impacts on navigation safety are avoided.

Matters that need to be considered include lighting, size, marking, location, and functional need. Design of structures should consider the ability of ships to pass safely through the area where a structure has been, or is being, erected. This includes the need to design structures for the variety of ships that may need to travel:

- under, around or over the structure; or
- between the structure and the shore; or
- between the structure and another structure; or
- access to safe anchorages.

See also Section 11.2

Policy 11.8.3 - Advice to Hydrographic Office of new structures, works and anchoring or mooring near rat free and predator vulnerable islands located in chartered waters

The Southland Regional Council will advise the Hydrographic Office of the New Zealand Navy of any new structures, works and rules relating to anchoring or mooring near rat free and predator vulnerable islands located within the chartered waters of the coastal marine area.

Explanation - The Hydrographic office records the position of new structures and works within the chartered waters of the coastal marine area to maintain navigation safety. Plan provisions regarding the anchoring or mooring near rat-free islands can also be included on nautical charts at the discretion of the Hydrographic Office. Such additions on the charts will highlight to users of the coastal marine area the areas where care in anchoring or mooring near such islands is required. Updates of existing charts are distributed on a regular basis. For all works and structures, advice will be given by the Southland Regional Council at the commencement and completion of the works/construction. At completion, advice will include as-built plans.

See also Section 11.2

Policy 11.8.4 - Recreation in Bluff Harbour

Maintain the capability of those areas of Bluff Harbour that are 1.5 metres or greater depth at mean low water, for recreational boating opportunities.

Explanation - Bluff Harbour is frequently utilised as a recreational area because it contains relatively safe and sheltered water. It has a number of facilities for launching ships and is a focus of marine recreational activities, including yachting, fishing, rowing and other general boating activities. The harbour area has also been extensively developed with port facilities. This development has already restricted some recreational activities, such as yachting. The development of marine farming could exclude many recreational uses of the coastal marine area. Maintaining recreational boating opportunities in the deeper parts of Bluff Harbour will provide for access to the coastal marine area.

See also Section 14

RULE

Rule 11.8.1 - Big Glory Bay Fairway

The exclusive or preferential occupation of the area of the Big Glory Bay fairway marked on Map 12a in Appendix 3 is a prohibited activity.

Explanation - The prime purpose of this rule is to provide a fairway for ships in and out of Big Glory Bay. The occupation of this area is prohibited because of the adverse effects that such occupation would have on navigation safety. Other impacts that this rule is designed to avoid include the effects of structures (such as those used for marine farming) on water circulation patterns in Big Glory Bay.

See also Sections 9, 11, 12 and 15

OUTCOME

The outcome expected from adopting the objective, policies and rule listed in Section 11.8 is:

11.8.1 Navigation in the coastal marine area will be safe and efficient.

12 COASTAL PROCESSES AND PROTECTION WORKS

12.1 Coastal Processes

The coastline of Southland is not static, but changes over time. Some of those changes can be slow, taking many years to occur. In these situations, adverse effects can be anticipated and action taken to reduce their impacts. Other changes can be rapid, occurring over a short period, usually in association with a natural event like a storm. It is not always possible to predetermine the areas that could be affected. Southland's coastal current system is characterised by movement around the coast from the west to the east through Foveaux Strait and continuing north along the east coast.

The coastal environment is subject to a range of complex and dynamic processes. The factors that influence the processes that occur along the Southland coast are:

- a ***Astronomic*** - including the effects of tides. Although the moon has a monthly cycle, that motion is part of a longer lunar cycle of 18.6 years;
- b ***Climatic*** - including the effects of wind, storms and long term global warming with associated sea level rise;
- c ***Hydraulic processes*** - including the effects of currents, wave action and river outflows;
- d ***Tectonic processes*** - including tsunamis and earthquakes;
- e ***Geology and sediment availability*** - including the physical nature of the coastline and sediment transport by rivers and ocean currents.

The avoidance or mitigation of natural hazards requires that coastal processes are recognised and taken into account at the design or planning stage of any proposal. A coastal process only becomes a hazard when people do things that put lives or property at risk. Determining the extent of landward areas at risk from coastal processes is not a precise science. However, within the coastal marine area itself there is little doubt as to whether an activity is subject to actual or potential hazards or not. Almost invariably they will be.

While some coastal processes could be viewed as threats, for example storm surge, others act to reduce the impact of such threats, for example, sand dune formation. Not all processes are physical. Biological processes, for example vegetation growth, also need to be recognised as does their interdependence with physical processes.

ISSUES

Objective 12.1.1
Policies 12.1.1 and 12.1.3
Rule 12.2.2

Issue 12.1.1 - Global sea level rise could impact upon structures, reclamations and other activities in the coastal marine area

Objective 12.1.1
Policy 12.1.2
Rule 12.2.2

Issue 12.1.2 - Beaches, sand dunes, wetlands, etc., provide a buffer to coastal processes which needs to be recognised

Issue 12.1.3 - The use and development of the coastal marine area, can be adversely affected by coastal processes

Issue 12.1.4 - Coastal processes can be adversely affected by the use and development of the coastal marine area

Objective 12.1.1
Policies 12.1.3 and 12.1.4
Rule 12.2.2

OBJECTIVES

Objective 12.1.1 - Avoid, remedy or mitigate the adverse effects of coastal processes

Objective 12.1.2
Policies 12.1.3, 12.1.5 and 12.1.6
Rules 11.2.3, 11.2.4 and 12.2.2

To avoid, remedy or mitigate the adverse effects of coastal processes on coastal use and development.

Explanation - To avoid, remedy or mitigate adverse effects of coastal processes on coastal use and development, coastal processes must be taken into account at the design or planning stage. However, where there is already a development or use being adversely affected, the available options need to be considered and the most appropriate course of action (or inaction) taken.

Policies 12.1.1, 12.1.3, 12.1.4, 12.1.5,
12.1.6 and 12.2.1
Rule 12.2.2

Objective 12.1.2 - Avoid, remedy or mitigate interference with coastal processes

To avoid, remedy or mitigate the interference of coastal processes by coastal use and development where such interference could cause adverse effects.

Explanation - Coastal use and development needs to ensure that where the coastal processes may be affected, such effects are avoided, remedied or mitigated. A precautionary approach needs to be utilised as adverse effects on coastal processes can be very difficult and expensive to remedy once a development is in place. Structures in the coastal marine area can easily alter coastal processes often with unforeseen adverse effects.

Policies 12.1.3, 12.1.4, 12.1.5, 12.1.6
and 12.2.7
Rules 11.2.3, 11.2.4 and 12.2.2

POLICIES

Policy 12.1.1 - Sea level rise

The design of structures and reclamations is to take into account the effects of a possible sea level rise of 35 centimetres prior to 2050 AD, until such time as there is evidence that the rate of this is higher or lower.

Explanation - This Policy is adapted from the Regional Policy Statement [Policy 13.14] and the New Zealand Coastal Policy Statement 3.4.2. The possibility of a sea level rise needs to be taken into consideration when designing structures.

The scientific consensus evolved from the work of the Intergovernmental Panel on Climate Change, and supported by the findings of the Climate Committee of the New Zealand Royal Society is for sea level rise at the rate of about six centimetres per decade (+/- three centimetres). The above estimate assumes that the emission of greenhouse gases will continue at the current rates. As a precautionary measure, it is appropriate to plan for a sea level rise of 35 centimetres over the next 54 years. If estimates are revised on actual evidence in the future then this figure can be reviewed.

Policy 12.1.2 - Protective abilities of natural features

Recognise and maintain the ability of natural features to protect the use, or development of land, and where appropriate, take steps to enhance that ability.

Explanation - This is derived directly from Policy 3.4.3 of the New Zealand Coastal Policy Statement. Natural features, for example boulders and sandspits, dissipate energy of waves and protect shorelines from erosion.

Policy 12.1.3 - Avoid the need for coastal protection works

Use and development of the coastal marine area should be located, designed and undertaken, so that the need for coastal protection works is avoided.

Explanation - This is derived directly from Policy 3.4.5 of the New Zealand Coastal Policy Statement.

Policy 12.1.4 - Identification of coastal hazard zones

Encourage and assist territorial authorities to identify coastal hazard zones in the coastal environment especially areas subject to erosion (wind/water) or inundation.

Explanation - Knowing where erosion and accretion occurs along the region's coast will help identify where development may occur on land. Similarly, there are benefits in knowing where actual or potential inundation may occur. The Southland Regional Council can assist territorial authorities by providing information such as the location of areas of historic erosion.

See also Sections 4.2 and 20

Policy 12.1.5 - Effects of structures and activities on coastal processes and vice versa

Take into account the effects of structures and activities on coastal processes and vice versa.

Explanation - Many structures, reclamations and activities can impact on coastal processes by disrupting natural coastal processes. This can give rise to adverse effects that did not previously exist, for example the erection of a structure may divert water and cause erosion. It should also be recognised that any failure to take existing coastal processes into account when siting structures and activities may result in damage or disruption to those structures or activities. It is therefore important that coastal processes are understood where any use or development of the coastal marine area occurs, to prevent the creation of new coastal hazards and to avoid damage or disruption to structures and activities.

Examples of coastal processes that can impact on structures and activities include: the action of waves, currents, longshore drift, storm surge, and floods. All of these processes can impact on structures and activities. Infrequent processes need to be taken into account as well as those that are more familiar. Examples of structures and activities that impact on coastal processes include: groynes, sand and gravel removal and the removal or planting of vegetation.

See also Section 11

Policy 12.1.6 - Effect of natural hazards on activities

Take into account the frequency, magnitude, extent and duration of natural hazards in providing for any activity or development in the coastal marine area.

Explanation - If natural hazards such as unusually high tides, strong winds, the effects of water and currents, floods in adjoining rivers, landslips from adjoining land, tsunami, liquefaction from earthquakes and wave run-up are to be avoided, regard must be given to the potential occurrence of such events. The potential damage, and the means by which the threat of damage can be avoided, remedied or mitigated, should also be considered.

See also Section 4.2

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 12.1 are:

- 12.1.1 The adverse effects of coastal processes including global sea level rise on coastal use and development is avoided, remedied or mitigated.
- 12.1.2 There is no disruption of coastal processes that would cause adverse effects on coastal use and development.

12.2 Coastal Protection Works

Coastal Protection Works are sometimes required because coastal processes have not been recognised in the initial stages of a development. There have also been cases where coastal protection works have been constructed without due recognition being given to natural coastal processes. Historically, coastal protection works have been constructed at Stewart Island, Colac Bay and Porpoise Bay and in several places around estuaries and harbours.

See also Policy 10.2.8

ISSUES

Issue 12.2.1 - Coastal protection works are often ineffective because coastal processes have not been taken into account

Objective 12.1.1 and 12.2.1
Policies 12.1.3 and 12.1.4
Rule 12.2.2

Issue 12.2.2 - The materials used in hazard protection work can give rise to adverse effects on amenity and natural character values

Objective 12.2.1
Policies 5.3.6, 12.2.2, 12.2.6 and 12.2.7
Rules 12.2.1, 12.2.3, 12.2.4 and 12.2.5

OBJECTIVE

Policies 5.3.6, 11.2.5, 12.2.6 and 12.2.7
Rules 12.2.1, 12.2.3, 12.2.4 and 12.2.5

Objective 12.2.1 - Use of materials in coastal protection works to be appropriate for the site

To use materials in coastal protection works that are appropriate for the site.

Explanation - It is preferable to use materials that are similar to, or that can be made to resemble, those materials naturally occurring in the area. This will help to mitigate the visual effects of the structure. Consideration will need to be given to size, colour, texture and form. An assessment of appropriateness must also take into account whether the chosen materials will provide the level of protection proposed. Appropriate materials should ensure the efficiency of the structure and its ability to absorb wave energy. In the past, inappropriate materials, such as car bodies, were sometimes used.

See also Sections 5.1 and 5.3

POLICIES

Rule 12.2.2

Policy 12.2.1 - Undertake coastal protection works or maintenance only when this is the best practicable option

Undertake coastal protection works or maintenance of coastal protection works only where they are the best practicable option for future protection, after having had regard to the effects of these works and the options of abandonment or relocation.

Explanation - This Policy is derived directly from Policy 3.4.6 of the New Zealand Coastal Policy Statement. Coastal protection works can be expensive and are not totally reliable in protecting the assets they are designed to protect. Alternatives which may have less adverse effects on natural character and amenity should be considered before any coastal protection work is undertaken, including the “do nothing” option. Much may still be unknown about coastal processes. The coastal processes that affect an area may, in the longer term, be difficult to quantify or determine. Building protection works may transfer the problem elsewhere rather than remedying it. Preventative action, for example relocating an activity, may be more appropriate than remedial works.

Before maintenance is considered for existing structures, abandonment or relocation must also be considered among the best practicable options. The impact of the current works on the environment, as well as the relative maintenance costs versus the value of the asset which is being protected, are considerations.

See also Sections 5.1, 5.30 and 5.7

Rules 12.2.3, 12.2.4 and 12.2.5

Policy 12.2.2 - Materials to be used in coastal protection works to be appropriate for the site

Require the size and density of materials, including finishing materials, used in coastal protection works to be appropriate to the wave energy levels of the environment within which it exists.

Explanation - If material is not big enough, it gets washed away and can be deposited on beaches. If material is too big, scouring and increased erosion can result.

Policy 12.2.3 - Preference for wave energy absorbing structures

Rules 12.2.1 and 12.2.2

Structures that absorb wave energy are preferred to structures that reflect energy.

Explanation - While the former take up more space, they are more effective and are less likely to create scour.

See also Sections 5.1 and 5.3

Policy 12.2.4 - Use of solid structures

Rules 12.2.1 and 12.2.2

Solid structures may only be used for coastal protection works where they will not cause beach erosion either on site, downdrift or offshore.

Explanation - Solid structures change straight line beach profiles to concave profiles and can remove sand from offshore rock platforms.

See also Section 5.1 and 5.3

Policy 12.2.5 - Measures to ensure the integrity of solid structures

Rules 12.2.1 and 12.2.2

Where solid structures are used for coastal protection works, they must incorporate appropriate measures to ensure they will not be undermined.

Explanation - Environmental engineering needs to consider the effects of the structure on coastal processes and vice versa if the structure is to work efficiently.

Policy 12.2.6 - Avoid the use of certain materials

Rules 12.2.3, 12.2.4 and 12.2.5

Avoid the use of materials as part of coastal protection works that are likely to:

- i be dangerous or unsafe;
- ii adversely affect fauna;
- iii be visually offensive;
- iv ineffective in remedying coastal erosion;
- v be unsuited for their intended purpose.

Explanation - Waste metal, including car bodies, is ineffective and visually unsightly in coastal protection works. Reinforcing steel protruding from concrete rubble is a danger to public safety and also unsightly when used as a finishing material or the exterior of protection works. Concrete rubble is also inappropriate as a finishing material in coastal protection works as it can be contaminated and break up as a result of wave action. When exposed, it will degrade natural character and amenity values and can make public access to the foreshore very difficult.

See also Sections 5.1, 5.3, Policies 5.3.5, 5.3.6, 11.2.9, 11.2.18 – 21, Rules 12.2.2, 12.2.4 and 12.2.5

Policy 12.2.7 - Wind Erosion Protection works

Rule 12.2.3

Wind erosion protection works should be designed so that they will be covered by accumulated sand and/or vegetation.

Explanation - If erosion protection works have not been covered within five years, it is unlikely that they will be effective.

See also Section 5.3

Policy 12.2.8 - Removal of protection works

Where protection works have not achieved the objective they were constructed for, they should be removed.

Explanation - There is no purpose in retaining protection works that are not achieving their objective. They can have adverse effects on visual amenity and, in some cases, may exacerbate erosion.

See also Section 5.3

RULES

Rule 12.2.1 - Repairs to coastal protection works

Repairs to coastal protection works are a permitted activity provided that:

- i the materials used are natural to the area, or
- ii the materials used are the same as those used in the original works except that car bodies, used machinery and waste structural steel cannot be used; and
- iii the area occupied by the protection works is not increased, and
- iv the coastal protection works are achieving their intended objective.

Explanation - If the natural materials found in the area are not appropriate for repairs to existing coastal protection works, then the use of appropriate materials, similar to those used in the original construction is permitted, providing this does not conflict with Rules 12.2.2, 12.2.3 and 12.2.4. Appropriate in this sense refers to materials sufficient to withstand the coastal processes operating in the area.

Repairing coastal protection works with materials similar to those already being used, will not alter the amenity values of the structure. However, if the works need to be repaired, then the appropriateness of having the structure may need to be re-evaluated, depending on the extent of the repairs.

See also Section 5.3

Rule 12.2.2 - Construction of coastal protection works

The construction or undertaking of any works to protect subdivision, use or development, is a discretionary activity.

Explanation - The construction of coastal protection works needs to take into account the natural processes that will regularly or infrequently affect them. They should also maintain or enhance the amenity of the area within which they occur. They should not be regarded as a suitable disposal site for all kinds of solid fill.

See also Section 5.3

Rule 12.2.3 - Wind erosion prevention works

The construction or undertaking of any works to prevent the wind erosion of sand, is a discretionary activity.

Explanation - Wind erosion works often have an adverse visual effect. Initially, this can be a necessary part of establishing the structures to prevent wind erosion.

The use of marram grass may be acceptable where it is already a dominant species in the coastal environment, although indigenous species will be preferred when planting.

See also Sections 5.3 and 5.4

Rule 12.2.4 - Use of waste metal as part of coastal protection works

The use of car bodies, used machinery or waste structural steel in coastal protection works, is a prohibited activity.

Explanation - The use of waste metal is ineffective and visually unsightly in coastal protection works. Such measures can enhance the erosion they are trying to eliminate.

See also Section 5.3

Rule 12.2.5 - Use of concrete rubble as a finishing material

The use of concrete rubble as a finishing material for erosion protection works, is a prohibited activity.

Explanation - Concrete rubble is not a suitable finishing material in erosion protection works, as over time it breaks up as a result of wave action.

See also Sections 5.1, 5.3 and 11

OUTCOMES

The outcomes expected from adopting the objective, policies and rules listed in Section 12.2 are:

- 12.2.1 Coastal protection works are constructed of materials appropriate to the site.
- 12.2.2 Coastal protection works are reconstructed only where they are the best practicable option for the future.

13 CRUISE SHIPS AND OTHER SHIPS IN INTERNAL WATERS¹

13.1 Introduction

A number of ships not based at the ports of Southland use the waters of the region. These include:

- cruise ships, viewing the coastal margins;
- cargo ships on route from one port to another; and
- commercial fishing boats, either undertaking fishing operations or acting as a “mother ship” to smaller fishing boats,

In most instances, these ships remain in open coastal waters and this does not give rise to any adverse environmental effects that the Southland Regional Council considers requires management under this Plan. Similarly, where these ships are using the port facilities at either Bluff or Oban, the extent of any adverse effects is no more than minor. However, where such ships enter the internal waters of Fiordland or Stewart Island, excluding Halfmoon Bay, then adverse effects can arise. These effects can include:

- visual impacts;
- noise;
- wakes;
- a loss of remoteness and wilderness values;
- discharges to air from on board engines;
- discharges to water, from waste and ballast;
- possible grounding of ships and resultant oil spills;
- disturbance of wildlife;
- adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- the introduction of unwanted or pest organisms;
- interference with the navigation of other ships, particularly recreational craft, some of which do not use motors;
- interference with other activities, including recreation and education.

Those ships that exceed 1,000 gross registered tons in size are of particular concern.

Under Section 30(2) of the Resource Management Act 1991, the provisions of this Plan cannot “*apply to the control of the harvesting or enhancement of populations of aquatic organisms, where the purpose of that control is to conserve, use, enhance, or develop any fisheries resources controlled under the Fisheries Act 1996*”. However, where ships are not undertaking fishing activities then they are subject to the provisions of this Plan.

In addition, the Marine Pollution Regulations control discharges from ships, aircraft and offshore installations into the coastal marine area, including oil, noxious liquid substances, treated and untreated sewage, garbage, clean or segregated ballast water and discharges as part of normal operations of a ship or offshore installation. The Regulations also control the dumping of waste and other matter into the coastal marine area from ships, offshore installations and aircraft, and the incineration of waste, in a marine incineration facility, in the coastal marine area.

The rapid expansion of tourism and in particular eco-tourism over the past decade has resulted in increased interest from existing and new tourism operators in the waters of

¹ All References in Section 13 relating to Cruise NZ (1088/00) and NZ Tourism Board (1089/00) were withdrawn – June 2002

both Fiordland and Stewart Island: The Fiordland National Park and associated World Heritage Area is of most interest to operators. The amenity, isolation, ecosystems, geology and heritage of this area is unrivalled in New Zealand and is also of international significance. The National Park has an extensive coastline/coastal interface which also acts as the boundary between two management regimes that belong

to the Department of Conservation, as the Park Manager under the National Parks Act, and the Southland Regional Council, as the coastal manager under the Resource Management Act 1991, in conjunction with the Minister of Conservation. The same situation applies to the coastal areas of Stewart Island. The New Zealand Conservation Authority has recently recommended to the Minister of Conservation that the Crown owned and managed areas of the Island be formed into a new National Park, proposed to be named Rakiura National Park. Adoption of this status will increase the level of interest in the area.

The level of cruise ships activity within the Southland region is expected to increase further in the future, and that growth will be added to as the popularity of cruising, particularly into wilderness areas or areas of high ecological interest around the world increases. New cruise ships are being built and cruise companies are repositioning themselves to take advantage of these developing trends. Such growth will increase the potential adverse effects of such activities and the Council considers that it is appropriate to put in place now appropriate regimes to manage and monitor this activity in the future.

ISSUE

Issue 13.1 - The increasing frequency, scale and duration of surface water activities by cruise ships and other ships within the internal waters of Fiordland and Stewart Island has the potential to diminish the values that attract people to these waters

Objectives 13.1, 13.2 and 13.3
Policies 13.1, 13.2, 13.3, 13.4, 13.5
and 13.6
Rules 13.1 and 13.2

OBJECTIVES

Objective 13.1 - Maintain essential characteristics

To maintain the essential characteristics of the pristine coastal marine area environment adjoining the internal waters of the Fiordland National Park and Stewart Island that contribute to a range of high quality experiences in a natural coastal environment.

Explanation - Except for Milford Sound, and to a lesser extent in Doubtful Sound, the intensity of tourism on the Fiordland coast and Stewart Island is such that the intrinsic values or inherent worth of the areas are largely unspoiled. These values stem from the very high natural character and the physical and perceptual characteristics of the landscape. The essential characteristics of the coastal marine area of Fiordland and Stewart Island that contribute to a range of high quality visitor experiences include outstanding natural character, landscape and amenity values, fauna and flora values, finite character and wilderness/remoteness values. These values need to be maintained so that people can continue to enjoy a range of high quality experiences. Failure to maintain these values will result in people feeling the need to travel elsewhere to experience the values they once experienced in a particular locality.

There is, however, considerable demand to expand recreational visitor activities in the area. This expansion needs to be managed to maintain a high quality environment that preserves natural character and landscape and amenity values. Without management, the outcome could be a lower quality experience.

Policies 13.1, 13.2, 13.3, 13.4, 13.5
and 13.6

Objective 13.2 - Preserve remoteness and wilderness values

To preserve the remoteness and wilderness values of the internal waters of Fiordland and Stewart Island.

Explanation - The Fiordland National Park Management Plan 1991 zones the western parts of the Park as “Wilderness” or “Remote” areas. Notwithstanding this, there are areas of the coastal marine area adjoining the National Park and adjoining the coast of Stewart Island which provide these values, whether or not the Park Plan zones adjoining areas that way.

In order to achieve a wilderness or remote experience in the coastal marine area that is compatible with that of the adjoining land, the coastal management regime will need to differ from that applied elsewhere in the coastal marine area.

Policies 13.1, 13.2, 13.5 and 13.6

Objective 13.3 - Effects of Cruise Ships

To ensure that cruise and other ships do not adversely affect the intrinsic values of the coastal environment of Fiordland or Stewart Island.

Explanation - Under the United National Convention on the Law of the Sea (UNCLOS) ships of all states enjoy the right of innocent passage through the territorial seas of another state. However, internal waters, as defined on chart NZ 224F produced under the superintendence of the Hydrographer of the Royal New Zealand Navy, are not included in the territorial sea. The waters of all of the fiords, arms and inlets in Fiordland and within the inlets of Stewart Island are defined as internal waters. Therefore, there is no automatic right of innocent passage within internal waters.

The internal waters of Fiordland and Stewart Island are particularly sensitive, possessing high natural, ecological, cultural and amenity values and it is important to ensure that ships in these areas do not give rise to any adverse effects.

The actual and potential effects of cruise ships and other ships include erosion of remoteness values, untreated sewage discharges, groundings and consequent oil spills, adverse effects on areas of significant indigenous vegetation and significant habitats of indigenous fauna and the introduction of exotic vegetation and fauna. Navigational safety and risk to human life are also significant issues. Some of these effects are potential effects of low probability which have high potential impact, for example oil spills. They are also effects that will increase with the size of the ship.

POLICIES

Rule 13.1

Policy 13.1 - Use of internal waters by cruise ships

Avoid, remedy or mitigate the adverse effects arising from the use of internal waters by cruise ships.

Explanation - Some parts of Fiordland and Stewart Island are of such high natural, ecological, cultural and amenity value that cruise ships should be excluded from them unless all adverse environmental effects can be avoided. In instances where cruise ships are permitted to enter the internal waters of Fiordland and Stewart Island, any adverse environmental effects should be remedied or mitigated either by way of an accord with ship operators, rules in this Plan or conditions on any resource consents that may be required.

Policy 13.2² - Use of internal waters by ships other than cruise ships

Avoid the adverse effects arising from the use of internal waters by ships over 1,000 gross registered tons that are not cruise ships.

Explanation - Large ships, over 1,000 gross registered tons, other than cruise ships, generally do not have any need to enter the internal waters of Fiordland or Stewart Island. Where such ships do enter these internal waters then any adverse environmental effects are to be avoided.

Policy 13.3 – Advocate for Fiordland Compulsory Pilotage Area

Advocate to the Maritime Safety Authority for the internal waters of Fiordland to be declared a compulsory pilotage area for all ships over 100 gross registered tons.

Explanation - Government is considering legislation that will enable maritime rules to be made that could result in specified areas being declared compulsory pilotage areas. The Southland Regional Council will support such legislation and seeks to have Fiordland established as a compulsory pilotage area for ships over 100 gross registered tons. As part of any rules, the Council recognises that exemptions would be needed. For example, pilotage exemptions would be appropriate to masters who demonstrate the knowledge and ship handling skills necessary to handle specific ships. The form of such exemptions is for the MSA to determine.

The use of pilots is an important means of mitigating the risk of grounding and the subsequent loss of life or environmental damage. The proposed amendments to the Maritime Transport Act provide for a nationally consistent, albeit locally flexible framework for addressing navigation safety through pilotage. Now that it appears that this framework will become available, it is considered more effective and more efficient to use it rather than the provisions of the Regional Coastal Plan to address the specific matter of pilotage. However, as an interim measure, and in the event that the legislation does not proceed, an alternative mechanism is also required.

Policy 13.4 - Fiordland Compulsory Pilotage Area

Until such time that any compulsory pilotage area is established for Fiordland, strongly encourage the operators of all ships over 100 gross registered tons to engage the services of suitably licensed or experienced persons to pilot their ships within the internal waters of Fiordland.

Explanation - The question of safe handling and navigation of the ship is a matter that can be addressed either at the time a resource consent application where such consent is required, or by taking a precautionary approach to the areas in which ships are permitted as of right. The fact that there is currently no specified requirement for pilotage and consequently no criteria for such a qualification is an impediment to the safe and efficient management of navigation safety in the internal waters of Fiordland.

² Changed by Environment Court Consent Order – Judge Jackson, 27 January 2004

Policy 13.5 - Offsetting the adverse effects of cruise ships

Offset the present and future adverse effects from the activities of cruise ships in the internal waters of Fiordland and Stewart Island through the use of financial contributions.

Explanation - It is impossible to avoid the present or future adverse effects of cruise ship activity within the internal waters of Fiordland and Stewart Island without imposing a complete prohibition. Where such ships are allowed, there will be adverse environmental effects, and it is reasonable to expect that these adverse effects are offset by the payment of a financial contribution. The financial contribution will be used for:

- ensuring positive effects on the coastal environment to offset the adverse effects of cruise ships;
- monitoring the effects of cruise ships, individually, collectively and cumulatively in conjunction with other activities;
- administrative, consulting and enforcement purposes, related to cruise ship activities;
- establishing an Environmental Protection Fund in case accidents occur or other adverse environmental effects arise from cruise ship activities, such as the introduction of unwanted or pest organisms.

A contribution will be charged on the basis of the gross registered tonnage of the ship, with the amount charged determined having regard to:

- the length of time it is to be within the internal waters of the region;
- the values of the areas being visited;
- the extent of any adverse effects on the environment ;
- management practices adopted on the ship to avoid adverse effects on the environment.

Such financial contribution is separate from any charges made by any Harbour authority or the New Zealand Government.

Policy 13.6 - Encourage Appropriate Management Practices by Cruise Ships

Encourage the operators of cruise ships to enter into a formal agreement with Council to manage their activities within the coastal marine area of Southland.

Explanation - The cruise ship industry, through the International Council of Cruise Lines, recognises the future of its industry depends upon a clean environment and protection of those values that people come to see. This includes the adoption of guidelines for waste management practices and 17 of the major international cruise companies of the world are a party to those guidelines.

Within the internal waters of Southland, a formal agreement managing the activities of cruise ships provides an mechanism for avoiding, remedying and mitigating environmental effects, both in terms of matters that can be controlled under the Resource Management Act 1991, and also under other legislation. Such an agreement provides for the payment of financial contributions to monitor the environmental effects of cruise ship activities, and their cumulative effects arising from their interaction with other activities taking place in the coastal marine area, and to contribute

to the enhancement of the environment within the areas they visit. It is proposed that the formal agreement be entitled “Environmental Partnership, Deed of Agreement between the New Zealand Cruise Ship Industry and Environment Southland”.

Where cruise ship operations are undertaken in conformity with a formal agreement with Council this would remove the need to assess the effects of a number of those activities by way of resource consent. This approach therefore achieves appropriate environmental outcomes and is consistent with the purpose of the Act to provide for the sustainable management of natural and physical resources.

RULES

Rule 13.1 - Cruise Ships within the internal waters of Fiordland and Stewart Island

- 1 Within:
 - i Milford Sound
 - ii Thompson Sound
 - iii that part of Doubtful Sound extending from open coastal waters to a line between Joseph Point and Espinosa Point, excluding First Arm and areas east of First Arm
 - iv Breaksea Sound west of Acheron Passage
 - v Acheron Passage
 - vi Dusky Sound west of the western end of Cooper Island
 - vii Halfmoon Bay
 - viii Paterson Inlet
 - a it is a permitted activity for cruise ships to enter into and pass through such waters, provided that:
 - i the operator of the ship is a party to the “Environmental Partnership, Deed of Agreement between the New Zealand Cruise Ship Industry and Environment Southland”.
 - ii except for Milford Sound, Paterson Inlet and Halfmoon Bay:
 - a no passengers are on-loaded or off-loaded onto shore or into other ships
 - b no anchoring or mooring takes places
 - iii no more than two cruise ships shall enter any water way, passage, fiord, bay or inlet in any one day.
 - b except as provided for by paragraph (a) above, it is a discretionary activity for cruise ships to enter into and pass through such waters;
- 2 Except as provided for by (1) above, it is a non-complying activity for cruise ships to enter into and pass through the internal waters of Fiordland and Stewart Island.

Explanation - Cruise ship intrusions are not compatible with a remote wilderness environment. Therefore, the waters available to these ships are confined to the most commonly used waterways where some encounters with other ships can be expected. This Rule will reduce such intrusions in a significant part of Fiordland and Stewart Island.

In areas, other than those referred to in (1), the outstandingly high natural, wilderness, ecological, isolation and heritage values must be protected. As a consequence, it will generally not be appropriate for cruise ships to enter such waters even for a limited duration.

Rule 13.2³ - Ships over 1,000 gross registered tons, other than cruise ships, within the Internal Waters of Fiordland and Stewart Island

- 1 a It is a permitted activity for any ship over 1,000 gross registered tons, which is not a cruise ship, to enter Halfmoon Bay, Stewart Island provided that the sole purpose of such passage is to off-load and/or uplift cargo.
- b It is a permitted activity for any ship over 1,000 gross registered tons, which is not a cruise ship, to be within the internal waters of Fiordland and Stewart Island provided that the purpose is to:
 - i perform a statutory function of a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland and Stewart Island itself or on adjacent land that is necessary to be accessed from the coastal marine area; or
 - ii remove and dispose of a ship that has sunk within the previous five year period.
- 2 a It is a discretionary activity for any ship over 1,000 gross registered tons, which is not a cruise ship, to be within:
 - i Milford Sound;
 - ii Thompson Sound;
 - iii that part of Doubtful Sound extending from open coastal waters to a line between Joseph Point and Espinosa Point, excluding First Arm and areas east of First Arm;
 - iv Breaksea Sound west of Acheron Passage;
 - v the Acheron Passage;
 - vi Dusky Sound west of the western end of Cooper Island; and
 - vii Deep Cove and Doubtful Sound, provided that the sole purpose of such passage is to use facilities at Deep Cove to off-load cargo and uplift stores and carry out activities associated with the construction or maintenance of the Manapouri power scheme, Deep Cove water outlet or tailrace.
- b It is a discretionary activity for any ship over 1,000 gross registered tons, which is not a cruise ship, to be within the internal waters of Fiordland and Stewart Island provided that the purpose is to:
 - i undertake research; or
 - ii remove and dispose of a ship that has sunk more than five years ago.
- 3 Other than provided for by (1) and (2) above, it is a prohibited activity for which no resource consent shall be granted for any ship over 1,000 gross registered tons, which is not a cruise ship, to enter and be within the internal waters of Fiordland and Stewart Island.

Explanation – The waters referred to in (1)(a) and (2)(a) are the commonly used parts of the internal waters of Fiordland where some encounters with ships can be expected. In addition, the internal waters of Fiordland and Stewart Island may need to be accessed on occasion by specialised research ships to undertake research activity that involves equipment such as deep remote-operated vehicles (ROVs) with high definition video, swath mapping, and manned submersibles, or on occasion by ships required to

³ (a) Changed by Environment Court Consent Order – Judge Jackson, 27 January 2004.

(b) Ship operators are still required to comply with the Biosecurity Act 1993 and the Council's Regional Pest Management Strategy. This is to ensure the risk of introducing any unwanted organism or pest, as defined in either the Act or the Strategy, to the Fiordland Marine Area is minimised.

remove and dispose of a ship that had sunk more than five years ago. Usage of the internal waters by ships, other than cruise ships, is expected to occur only on rare occasions and the resource consent process will provide an opportunity to assess the adverse effects that could result from the ship's presence. Matters of concern are the possibility of a mishap resulting in an oil spill and the potential for such ships to import exotic vegetation and fauna which may be released into the environment either via ballast water or organisms attached to the hull. Given the mobility of contaminants such as oil and exotic micro-organisms, the requirement in (2) of this Rule will reduce, to an acceptable level, the risk of such contamination in the areas described rather than remove it entirely.

Despite the controls imposed on ships over 1,000 gross registered tons within the internal waters of Fiordland and Stewart Island it is appropriate to permit the utilisation of ships by central or local government agencies, statutory bodies, or their contractors, undertaking a statutory function of the agency, such as enforcement activities, eradication work, management programme, monitoring the state of the environment, environmental cleanup, undertaking installation of navigational aids, or any other function. Central or local government agencies and statutory bodies include Environment Southland, Department of Conservation, Ministry for Primary Industries, New Zealand Customs, Land Information New Zealand, Ministry for the Environment, Ministry of Health, Maritime New Zealand, Ministry of Commerce, New Zealand Police, New Zealand Defence Force, Fiordland Marine Guardians, and Ngai Tahu recipients pursuant to the Ngai Tahu Claims Settlement Act 1998, or their contractors. It is also appropriate to permit the utilisation of ships for the removal and disposal of ships that has sunk within the previous five year period.

Apart from the activities referred to and outside the waters specified in (1) and (2), the Council has decided that the risk of adverse effects resulting from the presence of ships of the type this Rule describes on the remote wilderness environment and the absence of any need for the ships to be in the internal waters of Fiordland and Stewart Island means that their presence is not appropriate in any circumstances.

See also Section 17

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 13 are:

- 13.1 Protection of the waters of Fiordland and Stewart Island from the adverse effects of cruise and other ships.**
- 13.2 Establishment of a fund to offset the adverse effects of the use of the internal waters of Fiordland and Stewart Island by cruise and other ships.**

14 RECREATIONAL ACTIVITIES

Section 12 of the Resource Management Act is restrictive. Unless certain matters specified in this section are provided for in the Plan, then they may not be undertaken without a resource consent. A policy framework is therefore required:

- (a) to determine what matters should be permitted; and
- (b) to provide a basis for assessing resource consents.

14.1 Recreational Activities with Minor Effects

ISSUE

Objective 14.1.1
Policy 14.1.1
Rule 14.1.1

Issue 14.1.1 - Many recreational activities on the foreshore and water are of low or negligible impact

OBJECTIVE

Policy 14.1.1
Rule 14.1.1

Objective 14.1.1 - Provide for low impact activities

To provide for recreational activities that occur on the foreshore and water which have minor or insignificant adverse effects.

Explanation - There are a number of activities which take place within the coastal marine area which have only minor effects on the environment and which the general public take for granted as a “right” to undertake in the coastal marine area. Such activities include building sand castles or placing marker buoys. These sorts of activities need to be provided for in this Plan under Sections 12(1) and 12(2) of the Act or they could be considered unlawful. In addition, the Plan can include rules to manage other activities such as means of access along foreshores or across coastal waters.

POLICY

Rule 14.1.1

Policy 14.1.1 - Activities with minor effects

Provide for activities that have no more than minor adverse effects, to be undertaken either as permitted activities, or with minimal administrative processing.

Explanation - To avoid the need for some activities with minor effects to obtain consent, the Resource Management Act requires that they be provided for within this Plan.

Sections 12(1) and 12(2) of the Resource Management Act state in effect that no person may on any foreshore or seabed within the coastal marine area:

- undertake a reclamation;
- erect any structure;
- excavate, disturb, or physically damage the foreshore or seabed;
- deposit anything in, on, or under the foreshore or seabed and thereby damage it;
- alter the foreshore or seabed in a way that damages plants and animals;
- introduce any exotic plant on the foreshore or seabed;
- have a preferential or exclusive right of occupation;
- remove any sand, shingle, shell or other natural material;

unless expressly allowed by a rule in this Plan or a resource consent. See Section 2.3 of this Plan for the exact wording of Section 12.

Where activities could be considered to fall into the above categories and the effects of those activities are considered to be minor they have been provided for as permitted activities. Hence rules like Rule 14.2.8 permitting the placement of a ski jump.

There are also other activities that have a history of regulation under the Harbours Act 1950, such as surface water activities, and vehicle use on foreshores, that are now more appropriately addressed in this Plan. Where these activities have minor adverse effects, it is appropriate they be included as permitted activities to give certainty.

RULE

Rule 14.1.1 - Low impact recreation activities

Any recreation activity in the coastal marine area not otherwise specified in a Rule of this Plan is a permitted activity providing that the activity does not:

- a require exclusive or preferential occupation;
- b result in any change or disturbance to the foreshore that will not be rectified by the next high tide or, in the case of activities between mean high water mark and mean high water spring, the action of the next spring tide;
- c result in any discharge or deposition of contaminants onto the foreshore or into adjacent waters;
- d occur in a manner likely to result in injury to bystanders;
- e require the erection of any permanent structure;
- f exceed noise standards stated in Rules 5.3.4, 5.3.5, 5.3.6 or 5.3.7;
- g restrict public access along the foreshore;
- h result in any litter or equipment associated with the activity remaining within the coastal marine area at the completion of the activity;
- i result in damage to areas of significant indigenous vegetation including seagrass or maritime marsh.

Rules 5.4.2.1, 5.4.2.2, 5.4.2.3, 5.4.2.4, 5.4.2.5, 5.4.2.6, 5.4.2.7, 5.4.3.1, 5.4.3.2, 5.5.1, 5.5.2, 5.5.3, 5.7.1, 5.7.2, 5.7.3, 5.7.4, 7.3.2.1, 7.3.2.2, 7.3.2.9, 7.3.8.2.2, 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.2.1, 10.1.6, 10.5.2, 10.5.4, 10.5.7, 10.5.9, 11.7.1.1, 11.7.1.2, 11.7.1.3, 11.7.1.4, 11.7.1.5, 11.7.1.6, 11.7.2.1, 11.7.2.2, 11.7.2.3, 11.7.2.4, 11.7.2.5, 11.7.2.6, 11.7.2.7, 11.7.5.2, 11.7.6.3, 11.7.6.4, 11.7.7.2, 11.7.7.7, 14.2.1, 14.2.2, 14.2.3, 14.2.4, 14.2.5, 14.2.6, 14.2.7, 14.2.8, 14.2.9, 14.2.10, 14.2.11, 14.2.12, 14.2.13, 14.2.14, 14.2.15, 14.2.16, 14.2.17, 16.3.1, 16.3.2 and 16.3.3

Explanation - Many recreational activities that occur in the coastal marine area have, at most, minor effects. These include swimming, fishing, sandcastle building, bird watching, and cycling as well as activities such as exercising horses, surfing and trail bike riding. These activities are permitted where they will not have adverse effects of the types described above.

See also Sections 4.5, 5.3, 5.4, 5.5, 5.7, 7.3, 9.1, 9.2, 10.5, 11.7.1, 11.7.2, 11.7.5, 13.1, 13.2 and 16

OUTCOME

The outcome expected from adopting the objective, policy and rule listed in Section 14.1 is:

- 14.1.1 Recreational activities that occur on the foreshore and water which have minor or negligible adverse effects are provided for without undue regulation.**

14.2 Recreation Activities (General)

A range of recreational activities are undertaken within the coastal marine area of Southland, including swimming, diving, boating, nature studies, studying ecosystems, nature photography, and fishing. These experiences are often enhanced by the very high natural character of the environment within which they occur. The pristine water quality of parts of the region have resulted in some areas such as Fiordland and Paterson Inlet being recognised as diving areas of international and national importance respectively. Sea and weather conditions, as elsewhere, are often limiting factors but

perhaps more so in the Southland region. Because of these factors, the relatively sheltered waters of fiords, inlets, harbours and estuaries take on more importance.

While this Plan may allocate areas of surface water for specific activities, the internalised navigation safety aspects of those activities, for example condition of ship and age of driver, whether within an allocated area or not, are largely controlled by the Water Recreation Regulations. These regulations are generally enforced by honorary launch wardens. Their role, however, is largely educational, that is making people aware of the regulations. The regulations control the speed of craft, age of drivers and safe use.

ISSUES

Objectives 5.3.1, 5.3.6 and 5.3.7
Policies 14.2.1, 14.2.3 and 14.2.4
Rules 14.2.1, 14.2.2, 14.2.3, 14.2.4, 14.2.5, 14.2.6, 14.2.7, 14.2.8, 14.2.12 and 14.2.13

Issue 14.2.1 - Some recreational activities in the coastal marine area are incompatible with other recreational activities due to safety and noise issues

See also Section 5.3

Policies 5.4.1.2 and 14.2.2
Rules 14.2.2, 14.2.5, 14.2.6 and 14.2.15

Issue 14.2.2 - Some recreational activities can have adverse impacts on indigenous fauna for example, toheroa at Oreti beach and Hector's dolphins at Porpoise Bay

See also Section 5.4

Objectives 4.7.1, 4.7.2 and 5.3.1
Policies 14.2.1, 14.2.2, 14.2.3 and 14.2.4
Rules 14.2.1, 14.2.2, 14.2.3, 14.2.5, 14.2.6, 14.2.7, 14.2.8, 14.2.9, 14.2.12, 14.2.13, 14.2.14, 14.2.15 and 14.2.16

Issue 14.2.3 - Adverse effects of use, including conflicts, increase with intensity of use. Conflicts have arisen between either bathers and boating activities or different types of boating activities at Oreti Beach, the lower Oreti River and at Porpoise Bay

See also Sections 4.4, 4.7 & 5.3

Objectives 4.2.1, 4.4.1, 5.5.1 and 9.1.1
Policies 9.1.1, 9.1.2, 14.1.1 and 14.2.1
Rules 9.1.3 and 14.1.1

Issue 14.2.4 - Sometimes organised recreation or sporting events require exclusive occupation of the coastal marine area for short periods which restricts public access and use. Examples include horse racing, surf lifesaving competitions, and sailing competitions

See also Sections 4.2, 4.3, 4.4, 5.3, 5.5, 9.1

Objective 4.6.1
Policies 14.2.1, 14.2.2 and 14.2.3
Rules 14.2.2, 14.2.3, 14.2.4, 14.2.7, 14.2.8 and 14.2.16

Issue 14.2.5 - The use of personal water craft is an increasingly popular surface water activity which can conflict with other surface water activities in a multiple use situation

See also Sections 4.4, 4.6, 5.3, 9.1

POLICIES

Rules 14.2.1, 14.2.2, 14.2.3, 14.2.4, 14.2.5, 14.2.6, 14.2.7, 14.2.8, 14.2.12, 14.2.13, 14.2.15 and 14.2.16

Policy 14.2.1 - Competing uses

Avoid any actual or potential conflicts between recreation activities in the coastal marine area.

Explanation - Most areas can safely support multiple uses if the level of use is low. However, there comes a point where the level of use becomes such that some activities can only be undertaken safely by being segregated from others.

See also Section 5.3

Policy 14.2.2 - Control of motorised recreation activities

Rules 14.2.2, 14.2.5, 14.2.6, 14.2.13 and 14.2.14

Regulate, except for the right of passage through an area, motorised recreation activities where the frequency and duration of such use becomes such that the primary values of an area are being adversely affected and cannot be controlled by codes of practice or informal agreements.

Explanation – Over use can ruin the values that first attract people to an area. If these values are to be preserved, it may be necessary to control the types, frequency and duration of the activities allowed as of right in specific parts of the coastal marine area. The types of values that may be affected include silence, reflections, safety, feelings of wilderness, or vegetation and fauna. A balance between use and over use may need to be achieved if these values are to be preserved. If activities are not controlled, a natural balance may in time be achieved but the particular values that made a place so special in the first place may be lost. Recreation activities include commercial tourism activities.

See also Section 16

Policy 14.2.3 - Small craft speed limits on the Lower Oreti River

Rules 14.2.1, 14.2.2, 14.2.3, 14.2.4, 14.2.5, 14.2.6, 14.2.7, 14.2.8, 14.2.9, 14.2.12, 14.2.14, 14.2.15 and 14.2.16

Manage the speed limits of small craft on the Lower Oreti River.

Explanation - This policy is necessary for safety reasons and to avoid conflicts. The intensity and nature of the activities taking place is such that multiple use is not safe.

Policy 14.2.4 - Car and bus parking and access

Rule 14.2.15

Advocate that the Southland District Council develop a clearly defined car and bus parking area at Porpoise Bay and adequate access to the foreshore of Porpoise Bay.

Explanation - Porpoise Bay is a popular area for people recreating on the beach or viewing Hector's dolphins. Vehicle access is prohibited to the beach, and, as a consequence, provision needs to be made for parking of vehicles and access to the beach, particularly for the disabled. Provision of car and bus parking and access is not a regional council function, as it is outside of the coastal marine area. The Southland Regional Council will, therefore advocate to the Southland District Council to develop such facilities.

RULES

Rule 14.2.1 - Use of hovercraft on the foreshore

The use of hovercraft on the foreshore is a discretionary activity apart from as provided for in Rule 7.3.5.2.

Explanation - Hovercraft on the foreshore can have at least two principal adverse effects. They are:

- i a potential danger to other users of the coastal marine area;
- ii the noise generated by hovercraft can adversely affect people's health and well-being and amenity values.

See also Sections 5.3, 7.3

Rule 14.2.2 - Prohibit personal water craft in Porpoise Bay

The operation of personal water craft is a prohibited activity within the area marked on Figure 14.2.1. This area is enclosed by a line from South Head to map reference NZMS 260-G47 2213583E, 5389775N.

Explanation - Personal water craft are prohibited from this area to protect the safety of swimmers, to protect an important feeding area for Hector's dolphins, and to protect amenity values such as the quietness and tranquillity of the area.

See also Sections 5.3, 5.4, Appendix 5 No 14-08

Rule 14.2.3 - Personal water craft at Oreti Beach

The operation of personal water craft is a prohibited activity within an area 200 metres seaward of the Oreti Beach shoreline, between a point 200 metres north of Dunns Road to 400 metres south of Dunns Road. The seaward northern and southern boundaries will be measured perpendicular to the shoreline.

Explanation - Personal water craft are prohibited from this area to protect the safety of swimmers and amenity of recreational users in this area. The area south of Dunns Road is more popular for low impact users than that to the north, mainly because of the greater width between the toe of the dunes and mean high water mark. The dunes are also higher south of Dunns Road.

See also Section 5.3

Rule 14.2.4 - Personal water craft in Colac Bay

The operation of personal water craft within 200 metres of the shore:

- from the mouth of Huraki Creek to a line opposite the north eastern boundary of the street called "Wild Court"; and
- within 100 metres east and 100 metres west of the right angled corner on the Colac Bay Foreshore Road (which is where the former "Surfers Shed" used to be located);

is a prohibited activity.

See Figure 14.2.2a and b

Explanation - Personal water craft are prohibited from this area to protect the safety of people in the water as well as the amenity and natural character values of other recreational users in this area. The noise of the personal water craft can adversely affect the low impact users of the area.

Rule 14.2.5 - Boating activities permitted in Porpoise Bay

In the area marked on Figure 14.2.1 described in Rule 14.2.2, motorised ships other than personal water craft are permitted provided that their speed is no greater than five knots.

Explanation - At speeds of five knots or less the risks to swimmers and disturbance of dolphins is reduced. The amount of noise generated by motorised ships is also reduced. The principal reason for allowing ships to use this area is to allow for boating activities associated with marine mammal viewing.

See also Section 5.3 and 5.4



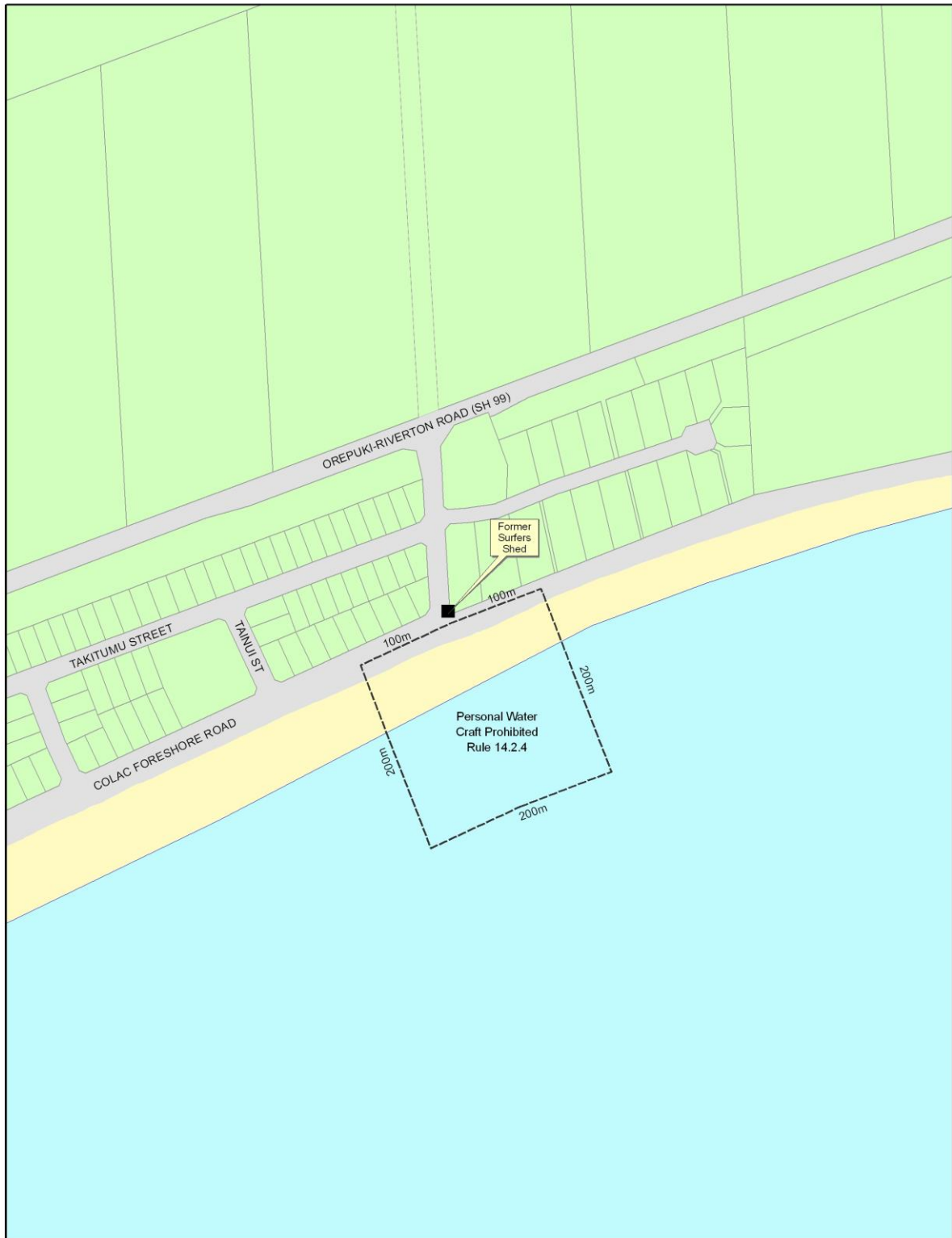


Fig 14.2.2a
Personal Water Craft in Colac Bay
Environment Southland Coastal Plan

Produced by Environment Southland, October 2010
Topographic vector data obtained from Land Information
New Zealand. CROWN COPYRIGHT RESERVED.
Faultline data obtained from the Institute of Geological and
Nuclear Sciences.





 <p>environment SOUTHLAND</p>	<p align="center">Fig 14.2.2b</p> <p align="center">Personal Water Craft in Colac Bay Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, October 2010</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p align="center">N ▲</p> <p align="center">1:5,000</p>
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Rule 14.2.6 - Boating activities prohibited in Porpoise Bay

In the area marked on Figure 14.2.1 described in Rule 14.2.2, motorised ships travelling at speeds greater than five knots are prohibited.

Explanation - Motorised ships travelling at speeds greater than five knots are prohibited from this area to protect the safety of swimmers, to protect an important feeding area for Hector's dolphins (refer Appendix 5, no. 14-08) and to protect amenity values such as the quietness and tranquillity of the area.

See also Section 5.3, 5.4

Rule 14.2.7 - Activities within areas A-D on the Lower Oreti River

Within the areas marked A, B, C, and D on Figure 14.2.3 and more particularly described below, the placement of temporary or permanent buoys associated with water skiing, the use of personal water craft, rowing and power boating, is a permitted activity.

Area A

All the waters of the Oreti River between the following boundaries marked by a white pole with area lettering on top:

All the waters of the Oreti River downstream of area B, southward of a line drawn in a north-east direction across the river, from a position on the south western river bank 800 metres north-west of the Southland Water Ski and Runabout Club control tower, marked on the ground by a white pole with marker B/A, and westward of a line drawn in a north-south direction running from the north boundary marker (B/A) at Vyner Road to the south boundary of the river.

Area B

All the waters of the Oreti River between the following boundaries marked by a white pole with area lettering on top:

- (a) Northern Boundary – a line due east of the marker C/B:
- (b) Southern Boundary (eastern half of river) - the extension of the southern boundary of Oreti Road to the centre-line of the Oreti River.
- (c) Southern Boundary (western half of river) – a line due east of B/A to the centre-line of the Oreti River;
- (d) Western Boundary - the centre-line of the Oreti River from the western end of the line described in b above to eastern end of the line described in c above.

Area C

All the waters of the Oreti River between the following boundaries marked by a white pole with area lettering on top:

Southward of the D/C area markers drawn in an east-west direction running from the western boundary marker to the eastern boundary marker of the river at Crawford Road, Otatara and in transit with the southern boundary of the area markers C/B.

Area D

All the waters of the Oreti River between the following boundaries marked by a white pole with area lettering on top:

Southward of the southern side of the Dunns Road bridge and northward of the markers D/C and in a line drawn in an east-west direction running from the western boundary to the eastern boundary of the river in transit with the southern marker at Crawford Road, Otatara.

Explanation - The purpose of this Rule is to allow ski lanes, turning points, courses etc to be marked.

Rule 14.2.8 - Activities within area A on the Lower Oreti River

Within the area marked A on Figure 14.2.3 and more particularly defined in Rule 14.2.7, the temporary or permanent placement of a ski jump, including the occupation of the coastal marine area by the ski jump, is a permitted activity.

Explanation - A ski jump is a significant structure which enhances the water skiing opportunities within the water skiing area and it does not have any significant adverse effects.

Rule 14.2.9 - Non-boating activities within areas A and D on the Lower Oreti River beyond 10 metres from the shoreline

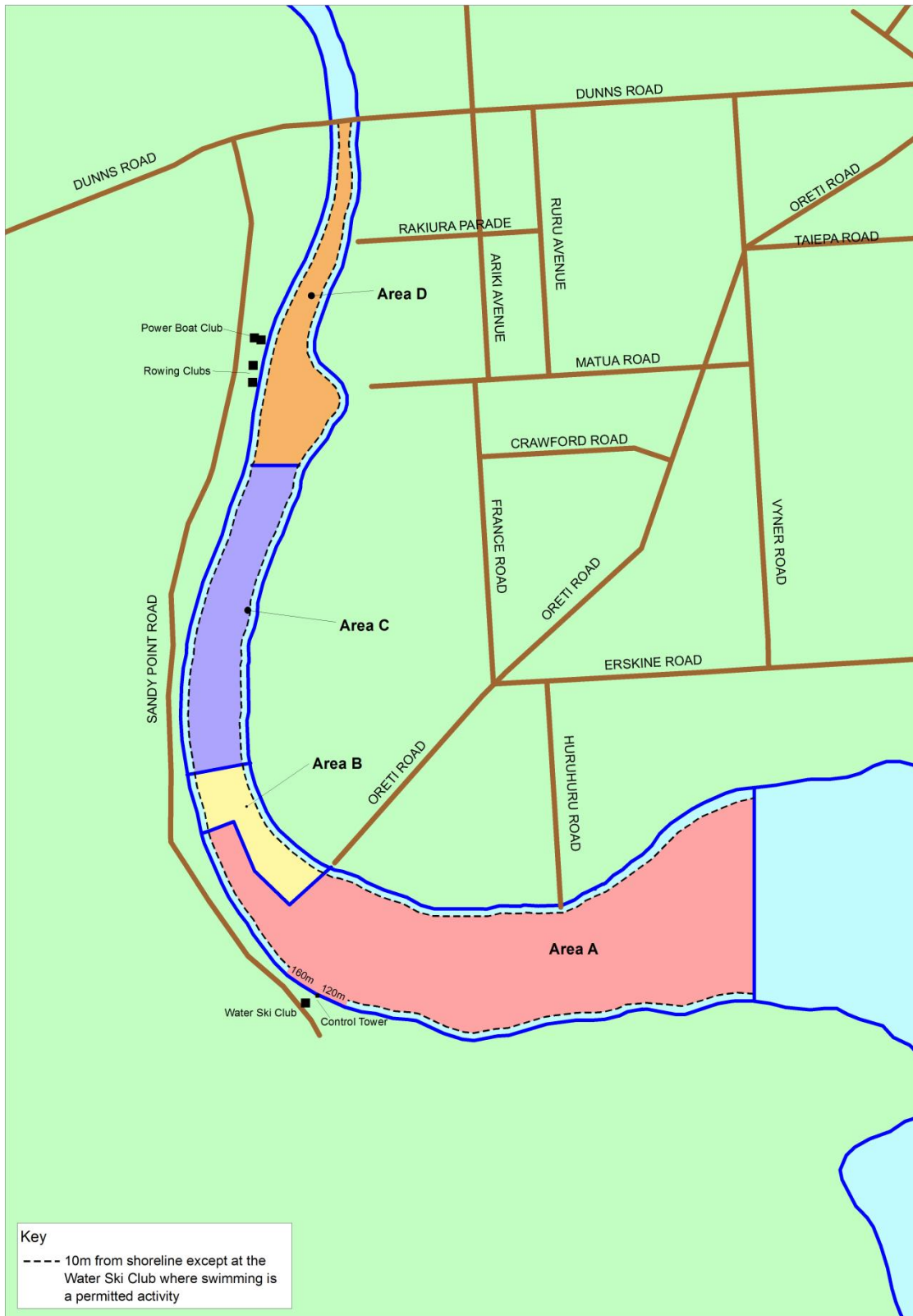
Except as is provided for by Rule 14.2.10, within the areas marked A, B and D on Figure 14.2.3 and more particularly defined in Rule 14.2.8, non-boating activities other than fishing are non-complying activities beyond 10 metres from the shoreline.

Explanation - Beyond 10 metres from the shoreline, it is dangerous to mix non-boating recreational activities, such as bathing, with small craft for which the speed limit is restricted. In areas A and D, the number and speed of such craft are relatively high compared with area C.

Rule 14.2.10 - Non-boating activities within area A on the Lower Oreti River within 10 metres of the shoreline

Within the area marked A on Figure 14.2.3, and more particularly defined in Rule 14.2.7, non-boating activities, including fishing, are non-complying activities within 10 metres from the shoreline between a point 120 metres south-east of the Southland Water Ski and Runabout Club control and a point 160 metres north-west of the same tower.

Explanation - This shoreline is frequently used for boat parking, water ski landings and water ski take-offs, which are incompatible with activities such as bathing and fishing.



Key
 --- 10m from shoreline except at the Water Ski Club where swimming is a permitted activity



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 Road centreline data obtained from the LINZ ODOB. CROWN COPYRIGHT RESERVED
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Fig 14.2.3
 Small Craft Activities on the Lower Oreti River
 Environment Southland Coastal Plan

1 : 20,000

Rule 14.2.11 - Activities within Area D on the Lower Oreti River

Within the area marked D on Figure 14.2.3, and more particularly defined in the schedule in Rule 14.2.7, water skiing is a prohibited activity.

Explanation - Water skiing is a more or less continuous activity usually confined to one area. Such activity would increase the amount of boating activity to the detriment of rowing activities that operate out of this area. Rowing activities are compatible with the level of power boat activity (mainly racing and testing) in the area.

Rule 14.2.12 - Vehicle restrictions on Oreti Beach

1 On that area of Oreti Beach below Mean High Water Mark, between the New River Estuary mouth and the Jacobs River Estuary mouth, the use of the foreshore by vehicles where:

- a they do not exceed 30 kilometres per hour; and
- b they do not exceed 3.5 tonne in gross weight, except if they are being used for the disposal or removal of dead marine mammals, the removal of dead cattle or for vehicle recovery;

is a permitted activity.

2 On that area of Oreti Beach below Mean High Water Mark, between the New River Estuary mouth and the Jacobs River Estuary mouth, the use of the foreshore by vehicles where:

- a they are operated within an area authorised by a resource consent for temporary exclusive occupation for the purpose of an organised recreation and sporting event pursuant to Rule 9.1.3; and
- b they do not exceed 300 kilograms in gross weight;

is a restricted discretionary activity.

The Southland Regional Council shall restrict its discretion to the following matters:

- i the location of the activity and any adverse effects upon flora and fauna value; and
- ii public safety.

3 On that area of Oreti Beach below Mean High Water Mark, between the New River Estuary mouth and the Jacobs River Estuary mouth, the use of the foreshore by vehicles where:

- a (i) they are operated within an area authorised by a resource consent for exclusive or preferential occupation pursuant to Rules 9.1.1 or 9.1.2; or
- (ii) they are operated within an area authorised by a resource consent for temporary exclusive occupation for the purpose of an organised recreation and sporting event pursuant to Rule 9.1.3 and they exceed 300 kilograms in gross weight; and

b they do not exceed 3.5 tonne in gross weight;

is a discretionary activity.

Explanation - The speed is controlled for safety reasons and vehicle weight is controlled to prevent damage to biota, in particular juvenile toheroa. A 3.5 tonne vehicle is not used for recreation purposes and anything heavier is likely to have an adverse effect on toheroa beds. An exception to the vehicle weight restriction is vehicles that are being used for the disposal or removal of dead marine mammals, the removal of dead cattle or for vehicle recovery. This Rule, however, does not prohibit the use of the area between mean high water mark and mean high water mark springs by heavier vehicles. From a safety viewpoint, 30 kilometres per hour is considered to be an acceptable maximum speed limit on the beach.

In situations where vehicles exceed the speed limit of 30 kilometres per hour a resource consent for exclusive or preferential occupation of the coastal marine area needs to be obtained under Rules 9.1.1, 9.1.2 or 9.1.3. An approval is also required by the Invercargill City Council to close the road, a process that requires a Traffic Management Plan. Vehicles that exceed the speed limit need to ensure the frequency and duration of the activity does not adversely effect toheroa or the toheroa beds, which can occur by the spacings on the vehicle's tyres displacing the sand and fracturing the toheroa shell causing mortality. Another important aspect of the activity is ensuring public safety is maintained while the activity is occurring. Vehicles exceeding the speed limit are still restricted to the maximum gross weight of 3.5 tonnes. Vehicles exceeding the maximum gross weight of 3.5 tonnes are prohibited under Rule 14.2.14.

See also Section 5.3, 5.4, and 9.1

Rule 14.2.13 - Vehicles prohibited on Oreti Beach

Except as provided for by Rule 14.2.12, on that area of Oreti Beach below mean high water mark, between the New River Estuary mouth and the Jacobs River Estuary mouth, the use of the foreshore by vehicles where:

- a they exceed 30 kilometres per hour; or**
- b exceed 3.5 tonne in gross weight;**

is a prohibited activity.

Explanation - Except for vehicles carrying out the activities described in Rule 14.2.12(1)(b), this rule prohibits the use of vehicles over 3.5 tonnes on the foreshore of Oreti Beach at any speed. In addition, all vehicles are prohibited from exceeding 30 kilometres per hour (except where that speed limit has been excluded by a resource consent in accordance with Rule 14.2.12(2) or (3)). Vehicles in excess of 3.5 tonnes below mean high water mark are likely to have an adverse effect on the toheroa beds. This Rule, however, does not prohibit the use of the area between mean high water mark and mean high water springs by heavier vehicles. From a safety view point, 30 kilometres per hour is considered to be an acceptable maximum speed limit on the beach. A beach is a public road and the Police can control any general breaches of traffic regulations.

See also Section 5.3 and 5.4

Rule 14.2.14 - Vehicle restrictions on Awarua Bay

Except for the purpose of pest management, the use of vehicles, including motorcycles and three and four wheel motorcycles on:

- a the southern foreshore of Awarua Bay east of the Tiwai causeway to the point of the eastern end of the bay where a track leads to the old house on the Tiwai Peninsula; and
- b the northern foreshore east of the Tiwai causeway to the eastern end of the formed part of Awarua Bay Road;

is a non-complying activity.

Explanation - The southern shore of Awarua Bay is remote and has high natural character values. The foreshore around Cow Island is a feeding ground for endangered New Zealand Dotterels over winter, and, along with the foreshore further west, is a feeding ground for migratory birds over summer. This reach of foreshore contains several soft spots which, when disturbed by vehicular traffic, take considerable time to recover to their natural condition. Vehicle access is not necessary along the northern foreshore because a formed public road runs more or less parallel and adjacent to the foreshore.

See also Section 5.3

Rule 14.2.15 - Vehicles on the Porpoise Bay foreshore

- a On that area of the foreshore north of Cook Creek to grid reference 2213200E 538900N on NZMS 260 G47, as illustrated on Figure 14.2.1, the use of the foreshore by vehicles for recreational purposes, where:
 - i they do not exceed 20 kilometres per hour, and
 - ii they do not exceed 3.0 tonne in gross weightis a permitted activity.
- b On that area of Porpoise Bay foreshore for a distance of 50 metres south of Cook Creek the use of the foreshore by motor vehicles of the type and in a manner described in Rule 14.2.15(a)(i) and (ii) for the purpose of:
 - i gaining access to the foreshore north of Cook Creek; or
 - ii launching and retrieving of boats not exceeding 4 metres (excluding personal water craft)is a permitted activity.
- c Except as provided for in Rule 14.2.15(a) and (b), the use of the foreshore of Porpoise Bay by vehicles on that area of Porpoise Bay foreshore south of Cook Creek to South Head is a prohibited activity.
- d Notwithstanding anything to the contrary in this Rule, the use of the foreshore of Porpoise Bay by vehicles for the purpose of carrying out erosion protection work on properties adjacent to the foreshore shall be a permitted activity, subject to Rules 12.2.1 and 12.2.2.

Explanation - Vehicular access is sometimes needed for recreational activities. Speed is controlled for safety reasons and vehicle weight is controlled on the basis that it is not necessary to use vehicles in excess of three tonnes for recreational activity.

See also Section 5.3

Rule 14.2.16 - Restrictions on the use of personal water craft at Taramea Bay and Stewart Island

In the following areas, the use of personal water craft, except for passage through the area at a speed that does not exceed 5 knots, is a discretionary activity:

- i Halfmoon Bay within 200 metres of the shore;
- ii Horseshoe Bay within 200 metres of the shore;

- iii Paterson Inlet within 200 metres of the shore;
- iv Taramea Bay within 200 metres of the shore.

Explanation - The operation of personal water craft can give rise to noise effects that people find particularly annoying and can be a danger to swimmers. However, if these craft operate in accordance with Sections 5 and 7 of the Water Recreation Regulations, that is not to exceed five knots within 30 metres of another ship or person or within 200 metres of shore, they are unlikely to create significant noise or nuisance problems.

See also Section 5.3

Rule 14.2.17 - Access to the foreshore - New River Estuary

Within that area of the New River Estuary bounded by a line drawn from the south end of Oreti Beach to Omaui Island, thence to the nearest land, the use of areas of the foreshore for walking/running, mountain biking, horse riding, two wheel motorcycling, three or four wheel motorcycling or motoring in vehicles less than 3.5 tons:

Mode of Access@ Area	Pedestrian	Mountain Biking	Horse Riding	3 or 4 Wheel Motorcycling	2 Wheel Motorcycling	Multi wheeled all terrain vehicles	Motor Vehicle, Car, 4 WD less than 3.5 tonne
A – Oreti Beach to Sandy Pt	□	□	□	□	□	prohibited except for pest management	□ provided it is less than 3.5 tonne
B – Sandy Pt to Wests Pt	□			prohibited except for the control of Spartina		prohibited except for pest management	except for launching boats at Rasks Beach
C – Wests Pt to Dunns Rd	□					prohibited except for pest management	
D – Dunns Rd to 650 m Sth of Matua Rd	□						
E - 650m Sth of Matua Rd to Oreti Rd	□	□	□	□			
F – Oreti Rd to North Rd Waipaka Creek	□			prohibited except for the control of Spartina		prohibited except for pest management	
G – Waipaka Creek to Mekomoko Inlet	□	□	□	□	□	prohibited except for pest management	
H – Mekomoko Inlet	□	□	□	□	□	prohibited except for pest management	
I – Mekomoko Inlet to Omaui	□	□	□	□	□	prohibited except for pest management	

- i where shown by a tick, or otherwise referred to, in the above table is a permitted activity provided that in any place where motor vehicles, including motorcycles, are permitted access to the foreshore, they shall not exceed a speed of 30 kilometres per hour, at any time;
- ii where not shown by a tick, or otherwise referred to, then the activity is a prohibited activity except for pest management.

Explanation - The physical characteristics of the estuary foreshore are very variable. While firm sandy or shingle can tolerate a variety of modes of access without significantly disturbing the foreshore or damaging fauna or habitat, the same cannot be said for silts and muds. Safety of other users, noise and amenity are other considerations.

See also Section 3.8, 5.3, 5.5

OUTCOMES

The outcomes expected from adopting the policies and rules listed in Section 14.2 are:

- 14.2.1 Any actual or potential conflicts between recreational activities in the coastal marine area are avoided.
- 14.2.2 Motorised recreational activities will occur in a manner that minimises adverse effects to the primary values of the area.

14.3 Diving

Fiordland and Stewart Island are particularly popular for diving, partly because of the clear water, but also because of the diversity of vegetation and fauna that can be found at diveable depths.

ISSUES

Issue 14.3.1 - The waters of Fiordland provide a unique habitat for marine life which can usually only exist in much deeper coastal waters

See also Sections 5.2, 5.4

Issue 14.3.2 - The clarity of Stewart Island's pristine waters provide diverse and unique marine life which is easily accessible to recreational divers

See also Sections 5.2, 5.4

Issue 14.3.3 - Unique habitats in the Fiordland (Te Moana o Atawhenua) Marine Area, including fragile, slow-growing corals can be damaged by divers¹

¹ 113 Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

OBJECTIVES

Objective 14.3.1 - Fiordland's waters

To recognise, maintain and enhance the diving values of Fiordland's waters while protecting those values in the Fiordland (Te Moana o Atawhenua) Marine Area from potential damage caused by diving.

Explanation - Fiordland's waters enable marine life to exist at much shallower depths than elsewhere in the world. This enables much easier and safer access for recreational divers and researchers to this unique underwater environment. Unfortunately, the relative rarity of many of these habitats at diveable depths and the fragility of some of the species within these habitats puts them at risk from the impacts of divers. Many of the colonies of corals, in particular, are very slow growing. This makes habitats containing these species particularly vulnerable to accidental breakage or partial damage, which, coupled with slow growth, has the potential to adversely affect their long-term viability.²

See also Sections 5.2, 5.4

Objective 14.3.2 - Stewart Island's waters

To recognise, maintain and enhance the diving values of Stewart Island's waters.

Explanation - The waters of Stewart Island provide an abundance of marine life ranging from fish through to seaweeds which are easily accessible to recreational divers and are unique to New Zealand.

See also Sections 5.2, 5.4

POLICIES

Policy 14.3.1 - Fiordland waters

Recognise the recreational diving value of the coastal waters of Fiordland as being of international significance, and to maintain and enhance these values while protecting unique habitats, and fragile species in the Fiordland (Te Moana o Atawhenua) Marine Area from the adverse effects of diving.

Explanation - The diving experience offered by the coastal waters of Fiordland is a major recreational and tourism value of these areas. This is due to the internationally significant uniqueness and diversity of the marine life, water clarity and sheltered waters. However, research has shown that in frequently dived areas damage can be caused to fragile species, such as corals, from fins and inappropriate diver behaviour or accidental damage. In the long term, unchecked damage from divers can threaten the long-term viability of these unique habitats.³

See also Sections 5.2 and 5.4

Policy 14.3.2 - Stewart Island waters

Recognise the recreational diving value of the coastal waters of Stewart Island as being of national significance, and to maintain and enhance these values.

Explanation - The diving experience offered by the coastal waters of Stewart Island is a major recreational value of these areas, partly because of the clarity of the water and the diversity or uniqueness of the marine life, especially seaweeds and shellfish.

See also Sections 5.2 and 5.4

³ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

OUTCOME

The outcome expected from adopting the objectives and policies listed in Section 14.3 is:

- 14.3.1 **The diving values of Stewart Island's and Fiordland's waters are maintained and enhanced.**
- 14.3.2 **Unique and fragile habitats in the Fiordland (Te Moana o Atawhenua) Marine Area are protected from the adverse effects of diving.⁴**

15 MARINE FARMING

Marine farms in the Southland region are located at Bluff Harbour (seaweed) and Big Glory Bay (salmon and mussels). The seaweed farm is currently not operating. Some oyster farming is also being undertaken in both Bluff Harbour and Big Glory Bay.

In 1983, the Minister of Fisheries determined that the coastal waters surrounding Stewart Island, except for Big Glory Bay, were unavailable for marine farm leasing or licensing. This determination had the effect that the transitional Regional Coastal Plan deemed marine farming to be a prohibited activity within the areas to which the determination applies.

Marine farming is an important issue in the Southland region, with many people strongly opposed to it in areas of high natural character, such as Fiordland and parts of Stewart Island. Given the strength of public feeling, it is considered that for some areas the public require more certainty about the way in which marine farming will be managed in the future. It is preferable for that certainty to be provided through this Plan rather than a series of resource consent applications and perhaps Environmental Court hearings. Consequently, in some areas marine farming is a prohibited activity or a non-complying activity rather than discretionary.

Therefore, in some areas no application for marine farming can be made and in others, while applications can be made and considered on a case-by-case basis, those applications face a more stringent environmental test. This is preferable to marine farming being treated as a discretionary activity everywhere, the outcome depending on the values of the area within which the application is made. To a large extent, those values and marine farming techniques and subsequent effects are already known and there is sufficient uncertainty about marine farming aspirations to make marine farming a prohibited activity in some areas for the life of this Plan. In other areas, where the values are highly regarded and there is a known interest for marine farming, it is appropriate that innovative marine farming practices, that adequately manage any adverse effects on the environment, be provided for.

The contribution that marine farming makes to the regional and national economy is recognised, and there is potential for this to increase in the future. As an activity, however, it can give rise to adverse effects. These include:

- exclusive occupation of large areas
- interference with navigation
- reduced amenity values
- visual impacts
- build up of benthic sediments
- discharge of contaminants
- interference with heritage values
- water quality impacts
- loss of natural character
- loss of habitats of significant indigenous fauna and significant indigenous vegetation

Marine farms can also occupy different types of areas, such as tidal foreshore (in the case of some shellfish species) or permanent water. Those types of marine farming occupying intertidal areas are more visible, and therefore more likely to have impacts upon natural character.

Marine farms generally require very high water quality, sheltered waters, cool water temperatures and appropriate water depths. For these reasons, the waters of Southland are seen as suitable for marine farming purposes. Where farms are established, there is a need to ensure that non-marine farming activities do not have adverse effects on the water quality. It is also important that discharges from one marine farm are not allowed

to affect the ability of other sites to operate. Where marine farms are concentrated, such as in Big Glory Bay and below the Tiwai causeway in Bluff Harbour (Maps 12, 12a of Appendix 3), the cumulative adverse effects of marine farms will require assessment.

Problems have arisen in the past with abandoned marine farm sites. Structures and equipment have been left and difficulties have arisen in getting them removed. As with other structures in the coastal marine area, marine farming structures must be removed at the end of any farming activities.

Development of marine farms on land is now beginning to occur, with all structures being above mean high water springs. Where this occurs, the territorial authorities also have a role in considering the activity. The Regional Council, however, will still need to consider any structures in the coastal marine area, any taking of water from the coastal marine area, and any coastal discharges that may be required.

Species of *Gracilaria* seaweeds can proliferate in eutrophic estuaries, as is evidenced in the Pourakino Arm of the Jacobs River Estuary. It is also likely that in the future *Undaria*, an introduced seaweed species, will grow in Southland's coastal marine area as is evidenced by its discovery in 1997 in Big Glory Bay and Bluff Harbour. The Department of Conservation has responded with an eradication programme with follow-up monitoring.

The Resource Management Act regulates the erection of structures including those required for commercial seaweed operations while the Fisheries Act controls harvesting of seaweed.

NB: Water quality aspects of marine farming are dealt with in Section 7.3.8.1.
See also Section 10.2

15.1 Marine Farming - General

ISSUE

Issue 15.1.1 - The coast of the Southland region has considerable potential for aquaculture, but in pursuing this use, other environmental, social and cultural values of the coast could be compromised

See also Sections 7.3.8.1 and 7.3.2

OBJECTIVE

Objective 15.1.1 - Avoid, remedy or mitigate any adverse effects

Avoid, remedy or mitigate any adverse effects of marine farming operations.

Explanation - Marine farming can cause considerable impacts on the natural character of the area, water quality, vegetation and fauna, and the amenity values of an area. These effects need to be avoided, remedied or mitigated if marine farming is to be sustainable.

See also Sections 7.3.8.1 and 7.3.2

POLICIES

Policy 15.1.1 - Resource consents required

Require resource consents for the establishment and operation of marine farming developments.

Explanation - Marine farming proposals will be assessed against the policies in this Plan.

The effects of some forms of marine farming are uncertain. On past experience, this uncertainty can only be removed by extensive monitoring and research. Some of this will be site specific. In other cases, the results of research undertaken elsewhere could be applied locally.

The Southland Regional Council recognises that considerable technological advances are being made in the marine farming industry, which may result in marine farming being acceptable in some locations in the future, and if that occurs then a change to this Plan may be warranted.

During the development of this Plan, consideration was given to applying the standards to marine farming activities, which were developed during the 1980s by the Ministry of Fisheries. Although they were specific and restrictive, they were easily understood and simple to implement and monitor. However, they assume certain adverse effects and are based on marine farming practices of the time. Farming of new species, the use of new technologies or special site characteristics are not adequately provided for. Therefore, the Council has opted for a merit-based approach based on a case-by-case assessment of individual proposals, in appropriate locations, taking into account the values of the area within which it is proposed to locate the farming operation and the objectives and policies contained in this Plan. Cross referencing the marine farming provisions in this section to other relevant provisions in the Plan and the use of the Word Find Index will guide Plan users on the applicable sections.

See also Sections 5.3, 5.4, 7.2, 7.3, 9,10.2 and 11.8

Policy 15.1.2 - New and changing activities in the same area

Where new and changing activities are proposed in areas within which there is a current occupation right, preference will be given to the current occupier provided that the effects of the new and/or changing activity are avoided, remedied or mitigated as required under the policies and rules of this Plan.

Explanation - To provide further certainty of occupation, existing occupiers will be given preference to occupy their existing/consented space with a new or changing activity provided the effects of the new activity are shown to be avoided, remedied or mitigated. However, a process is required to enable the effects to be assessed.

See also Sections 11.5, 11.6

Policy 15.1.3 - Avoid adverse effects of marine farms in specific areas

Avoid the adverse effects from the establishment of marine farms in Marine Reserves, Fiordland's internal waters, Lords River, Port Pegasus, Paterson Inlet (except Big Glory Bay and the Salmon Farming Refuge Zone), and Port William on Stewart Island, and that part of Awarua Bay that lies to the east of the Tiwai Causeway.

Explanation - This Policy arises in part from the explanation to Policy 13.19 in the Southland regional Policy Statement. It is stated that:

“In preparing the Regional Coastal Plan aquaculture will be provided for on the following basis – a marine farming of any type is not appropriate or permitted within Marine Reserves.”

This policy also recognises the important environmental values of the internal waters of Fiordland, Lords River, Port Pegasus, Paterson Inlet (except Big Glory Bay and the Salmon Farming Refuge Zone), Port William and Awarua Bay (east of the Tiwai Causeway) and the associated vegetation and fauna. It is considered that the effects from marine farming activities are incompatible with maintaining these water bodies in their present state and therefore this activity should be avoided.

Policy 15.1.4 - Monitoring the effects of marine farming

To require monitoring of individual marine farm sites.

Explanation - It is essential that adequate information is obtained on the environmental effects of marine farming. Initially, information is required as a benchmark against which to determine whether the environment has been significantly altered by the activity. Once a resource consent is granted for a marine farming activity, the effects of the activity should be monitored. It is necessary that monitoring is a condition on the resource consent, for every marine farming operation in the Southland region to ensure that the farm is operating in the manner anticipated. Given the public concern over marine farming it is appropriate any proposal is closely monitored to ensure that adverse effects do not arise.

See also Section 19

RULES

Rule 15.1.1 - Growth of new or additional marine species in existing farms

The growth of new or additional marine species for aquacultural purposes within areas that are covered by an existing right of occupation, is a discretionary activity.

Explanation - The potential adverse effects of any marine farming activity are in part attributable to the species being farmed. The potential adverse effects of marine farming activities using different species need to be scrutinised as much as the initial establishment of a like activity.

See also Section 5.4

Rule 15.1.2 - Marine farming - Fiordland

Marine farming in the internal waters of the Southland region from Awarua Point to Puysegur Point is a prohibited activity.

Explanation - The heavily indented coastline of Fiordland is one of the most natural and scenic in New Zealand. It is popular with recreational users as well as being important for tourism and commercial fishing. It has extremely high natural character, landscape values, high intrinsic values and unique ecosystems.

The biological communities within the fiords require a complex set of environmental conditions for their survival. They are, therefore, inherently intolerant to changing conditions. Protected species such as black coral occur on the shallow rock walls of Fiordland.

There are very few structures in Fiordland. This contributes to the remoteness values of the area.

The internal waters of Fiordland constitute a marine environment that is largely unmodified and is complemented by the adjoining Fiordland National Park. Most of these waters have been classified as NS (Natural State) waters. They are therefore considered to be as natural as could be reasonably expected. Figure 7.3.2.1 illustrates the location of internal waters in the Southland region.

See also Sections 3.2, 4, 5, 7, 9, 10.2, 11, 12, 13, 16

Rule 15.1.3 - Marine farming within Marine Reserves

Marine farming within Marine Reserves is a prohibited activity.

Explanation - The purpose of the Marine Reserves Act 1971 is to preserve for scientific study, areas of New Zealand's territorial sea that contain underwater scenery, natural features or marine life of such distinctive quality, or which are so typical or beautiful or unique that their preservation is in the national interest. The allowance of marine farms in these areas would be contrary to the objective of "preservation".

Rule 15.1.4 - Marine Farming in Awarua Bay

Marine farming in Awarua Bay, east of the Tiwai causeway, is a prohibited activity.

Explanation - Awarua Bay has been identified as an area of significant conservation value by the Department of Conservation. The unmodified and unspoilt nature of the east end of Awarua Bay is of particularly high value. This includes high natural character, a significant recreation area and an area of national importance for migratory waders, local waders and waterfowl. The Bay is also the autumn and winter habitat of the New Zealand dotterel whose status is vulnerable. The effects of marine farming will compromise these values.

Rule 15.1.5 - Marine Farming (Prohibited) - Stewart Island

Marine Farming in the Stewart Island waters of:

- **Port Pegasus;**
- **Lords River;**
- **Paterson Inlet, except Big Glory Bay and the Salmon Farming Refuge Zone;**
- **Port William from Peters Point to the eastern most extremity of the headland enclosing the northern end of Port William**

is a prohibited activity.

Explanation - Port Pegasus is a traditional safe anchorage on the leeward side of Stewart Island. The area has outstanding natural character and is recognised for the clarity of water in its sandy bays. Black coral colonies exist here and both Port Pegasus and Paterson Inlet contain brachiopod communities. Brachiopods are of scientific interest because their phylum has survived for approximately 600 million years with no basic change. Brachiopods are common as fossils throughout the world, but are not common in modern seas. They have been designated by the International Union for Conservation of Nature and Natural Resources (IUCN) as threatened internationally. The area is important for a number of species of birds including giant petrels, New Zealand dotterels, yellow-eyed and Fiordland crested penguins. Hooker sea-lions also breed in the area.

Lords River is an area of high scenic value with negligible siltation, high water quality and clarity. There are several recognised anchorages within the area as well as a seal colony and a breeding population of yellow eyed penguins.

Paterson Inlet has a largely pristine catchment that has very low levels of sedimentation. It is an area with high natural character that is popular for recreational use. Except for areas close to Oban and Big Glory Bay, there is little habitat modification. As a result, the inlet has retained its coherence and integrity and has not been significantly compromised by structures. Port William is a popular area as an anchorage and there would be insufficient room to establish marine farming activities while still retaining enough space for the purposes of navigation safety.

See also Sections 3.2, 4, 5, 7, 9, 10.2, 11, 12, 13 and 16

Rule 15.1.6 - Marine farming in Bluff Port Zone

Marine farming in the Bluff Port Zone is a non-complying activity.

Explanation - Under most circumstances, marine farming and port activities are incompatible. Both activities could affect the efficient operation of the other. For example, access to a port may be limited by a marine farm, or dredging could be impeded by marine farming operations and may adversely affect the farmed species.

Rule 15.1.7 - Marine farming

Marine farming in areas other than those referred to in Rules 15.1.2 - 15.1.6 is a discretionary activity.

Explanation - Regional Policy Statement Policy 13.19 makes provision for aquaculture in the Southland coastal marine area. However, it also acknowledges the need to protect the coastal environment, especially those areas containing significant values. Consent applications will be assessed on a case-by-case basis and it will be necessary to ensure that any adverse effects associated with marine farming are avoided wherever practicable, remedied or mitigated.

See also Sections 3, 4, 5, 7, 9, 10.2, 11, 12, 13, 16

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 15.1 are:

- 15.1.1 **Marine farming is conducted without causing public concern.**
- 15.1.2 **Marine farms are not located where they could compromise navigation safety.**
- 15.1.3 **Marine farms are not located where they could adversely affect areas containing significant values, including:**
 - **significant indigenous vegetation;**
 - **habitats of indigenous fauna;**
 - **significant landscape values;**
 - **high natural value;****or where they could increase deposition in Natural State waters.**

15.2 Salmon Farming Refuge Zone

ISSUE

Issue 15.2.1 - Salmon farms can experience difficulties, for example, with algal blooms requiring temporary relocation of the farms to maintain the health of the fish stock

OBJECTIVE

Objective 15.2.1 - Refuge area for salmon farms

To ensure that a refuge area is provided for lawful salmon farms.

Explanation - Lawful salmon farms may need to be moved to a refuge zone to maintain stock health when hydrologic, meteorological and biological conditions combine to render the waterbody unsuitable for the growth of fish or shellfish e.g. an algal bloom.

POLICIES

Policy 15.2.1 - Provide for the use of a refuge area by salmon farms with a coastal permit

Provide for the use of a refuge area for salmon farms that have obtained a consent for their operation.

Explanation - A refuge area for consented salmon farms will be provided where natural circumstances adversely affect the operations of the salmon farm and the use of the refuge area complies with Rule 15.2.1. The current refuge area in Paterson Inlet is provided for under Rule 15.2.2. Additional refuge areas will be provided for as a condition on the resource consent for a marine farm.

Policy 15.2.2 - Avoid, remedy or mitigate the effects of salmon farms in the refuge area

Avoid, remedy or mitigate the effects of salmon farms while located within any refuge area, and while moving to and from the refuge area.

Explanation - Salmon farms in a refuge area and their movement to a refuge area may produce effects which will need to be avoided, remedied or mitigated. If exotic species such as *Undaria* exist where salmon farming takes place, or in the area between a salmon farm and its refuge area, there is a risk of the species being spread. As such, a refuge area will only be used as a last resort for any salmon farm and the salmon farm should be moved off the refuge area as soon as possible.

RULES

Rule 15.2.1 - Shifting salmon farms

Relocating structures associated with salmon farms to another licence area, or within a licence area, where such relocation includes associated moorings or anchors, is a permitted activity provided that:

- i where relocation requires moving of moorings or anchors, these are to be raised and moved; and

- ii no structures, including moorings and anchors, are dragged along the sea floor.

Explanation - Raising moorings and anchors, rather than dragging them along the sea floor, will avoid adverse effects such as disturbance and physical damage to benthic vegetation and fauna.

See also Sections 5.4, 10.1

Rule 15.2.2 - Use of the refuge area

The use and temporary occupation of the coastal marine area, indicated on Map 12a in Appendix 3, as a refuge area for salmon marine farms where:

- a the licence site is unsuited;
 - b the salmon farm has a resource consent to operate elsewhere in the coastal marine area of Southland;
- is a permitted activity, provided that:
- i the Southland Regional Council is notified in writing on or before the date of occupation and vacation of the refuge site;
 - ii any fish stock are fed at a rate not in excess of that necessary to maintain their body weight;
 - iii monitoring of the marine farm licence sites is undertaken on at least on a weekly basis by an independent suitably qualified person and the results are supplied to the Regional Council within three days of receipt of results;
 - iv the relocation procedure for the structures complies with Rule 15.2.1;
 - v that marine farms vacate the refuge site once the licensed site is suitable.

Explanation - The use of refuge zones is generally considered as something that should be avoided, but it is recognised that natural events occur where the farm stock could not survive without this contingency. However, in using refuge zones the adverse effects resulting from that use need to be minimised, and there needs to be a mechanism to ensure that the farming operations return to the licence area as quickly as possible. When monitoring indicates that the licensed site is again suitable and weather conditions are appropriate, farming activities should return to their licensed area. A financial contribution for the use of the refuge area was considered as an incentive for farms to return to the licensed site, but it is felt that the physical difficulties experienced while operating in the refuge area are incentive enough.

The Big Glory Bay refuge area is indicated on in Map 12a of Appendix 3 and is defined by the following co-ordinates (New Zealand map grid):

Easting	Northing
2140480	5349540
2140871	5350432
2410881	5350461
2141340	5350380

See also Sections 5.4, 10.1

OUTCOMES

The outcomes expected from adopting the objectives, policies and rules listed in Section 15.2 are:

- 15.2.1 Appropriate areas are set aside as marine farming refuge zones.
- 15.2.2 Adverse effects from relocating to a refuge area and using the refuge area are avoided, remedied or mitigated.

16 SURFACE WATER ACTIVITIES ON THE INTERNAL WATERS OF FIORDLAND FROM YATES POINT TO PUYSEGUR POINT¹

See also Figure 7.3.2.1 and Section 4.7

16.1 Introduction

The internal waters of Fiordland constitute a marine environment, which is largely unmodified by use of adjacent land use or contributing catchments. The values of the Fiordland coastal environment are valued internationally, nationally and regionally. The surrounding Fiordland National Park, that forms part of the Fiordland coastal environment, is internationally recognised as a UNESCO World Heritage Site. The coastal waters and seabed of Fiordland (Te Moana o Atawhenua) have been submitted for the tentative list for World Heritage recognition. There are also ten marine reserves present within the Fiordland coastal marine area that together encompass over 10,000 hectares of inner fiord marine habitat.

The pristine state of Fiordland's waters complements the natural state of the adjoining Fiordland National Park. Being very deep, and relatively sheltered compared with the open coast, the fiords are navigable to almost any ship. As such, they provide a ready means of experiencing this unique high quality coastal environment. In fact, boat and floatplane access and helicopter access directly to ships is a popular means of getting about in Fiordland National Park, especially its western and seaward boundary to which there are only two points of road access. State Highway 94 to Piopiotahi / Milford Sound is the only public road access to any of the fiords.

The value of wilderness or remoteness is therefore an important additional value to all the other natural values of the area. Wilderness is a condition in which there is an extremely high probability of experiencing complete isolation from the sights, sounds and activities of humans. Remoteness is a similar condition, but the probability of experiencing complete isolation from the sights, sounds and activities of humans is reduced from extremely high-to-high.

Wilderness and remoteness are becoming increasingly rare values both nationally and internationally. They are values, which can either be managed or allowed to establish a new equilibrium in the face of increasing population and access. In the latter process, there is a strong possibility that natural character, landscape, natural feature; wilderness and remoteness values will be significantly diminished if not lost.

Given the use of Fiordland's internal waters for access to port facilities, and given that much of these waters are used for commercial rock lobster fishing, it is unreasonable to expect a true wilderness condition to continually exist. However, there are areas such as Hāwea / Bligh Sound, which is surrounded by land zoned in the Fiordland National Park Management Plan 2007 for wilderness experiences, and the upper reaches of fiords, which can only be reached via the air or open coastal water, where wilderness conditions are more probable than remoteness conditions. The existence of adjoining land managed for wilderness does not necessarily contribute to such values on the water, for example, most of the northern side of Piopiotahi / Milford Sound is zoned as a wilderness area. Access is the key influence on isolation. Lack of access contributes to remoteness and for people seeking this experience it is a value in itself.

¹ Tourism NZ 1089/00 withdrew all references concerning Section 16 - 20 March 2002

In managing recreational activities, the Department of Conservation published a *Visitor Strategy* (1996) which recognises seven different visitor groups, those being:

- short stop travellers;
- day visitors;
- overnigheters;
- backcountry comfort seekers;
- backcountry adventurers;
- remoteness seekers;
- thrill seekers.

Generally, the internal waters of Fiordland, with the exception of Piopiotahi / Milford Sound, potentially provide for all such experiences. The reality is, however, that because the area is not highly accessible, short stop travellers are few in number. Similarly, thrill seeking activities are almost non-existent and given that backcountry comfort seeker and adventure experiences by definition usually involve overnigheting, the overnigheting classification is virtually superfluous. Lack of access however, contributes to remoteness, and for people seeking this experience, it is a value in itself.

That reduces the visitor categorisation to day visitors, backcountry comfort seekers, backcountry adventurers and remoteness seekers. In Fiordland, where for the most part there is not intense visitor use, backcountry users are likely to experience conditions of remoteness, which enhance their experience of a natural environment. Day visitors may also experience feelings of remoteness depending on the location and time of year, their expectations and previous experiences. Day visitors are concentrated at Piopiotahi / Milford Sound and Patea / Doubtful Sound. Generally, they rely on commercial tourism operators to facilitate their experience. Day visitors represent the bulk of visitors to Fiordland's waters.

Increasingly, there is demand for backcountry comfort seeker experiences facilitated by commercial tourist operators. These operators provide comfort in the form of ships, showers, food and facilities, operational knowledge sufficient to reduce risk to comfortable levels, and knowledge of the environment and its vegetation and fauna. Some of the private ships entering, or based in, Fiordland are also providing backcountry comfort seeker experiences.

While backcountry adventurers may undertake many of the same activities as backcountry comfort seekers, their experience places more emphasis on self-reliance and is based more on hope and discovery, rather than expectation and learning. Their desire for remoteness or "to get away from it all" is generally stronger than that of the comfort seeker. Generally, backcountry adventurers seek a diving, fishing, boating, exploring, or hunting experience in the "great outdoors". They are a moderate use group compared to the comfort seekers. Typically, they are New Zealanders in "kayaks" or motorised pleasure craft. The diffuse nature of these activities and of the size of the craft involved means that they have minor effects on the values of the area.

Remoteness seekers desire a setting containing remote to wilderness conditions. They desire little interaction with other visitors and seek the challenge, freedom and risk associated with meeting nature on its own terms. They are unlikely to fulfil that experience solely within the coastal marine area. In fact, they are more likely to want to use that area as a means of access to the wilderness. This group represents very low usage relative to other groups. However, the values that attract those people are also an important element of the visitor experience enjoyed by all visitors to Fiordland, including day-trip visitors.

Over time, recreational and commercial use of the internal waters of Fiordland has increased and has changed. A 2021 study (*Wilderness and Remoteness Values of Fiordland Waters* by *Lindis Consulting*) found that for some people the wilderness values of the fiords have been lost; whilst others believe they remain unaffected by changes in use.

Visitor categorisations are not definitive, but they do provide a broad understanding of the experiences and values sought by visitors. Relative visitor numbers give an

indication of the level of use by the various categories of recreational users. However, visitor numbers should not be regarded as the sole measure of the importance of that use.

From a sustainable management point of view, preserving the opportunity for future generations to partake in any of the four categories, and maintaining that opportunity so that people and communities of the current generation can provide for their social, economic and cultural well-being are key principles. In doing so, it is also necessary to avoid, remedy or mitigate any adverse effects of activities to preserve the quality of the environment. The fiords are probably the most significant coastal landform in this region and are outstanding natural features. They are valued internationally, nationally, and regionally. The majority of the fiords are incorrectly referred to as sounds.

This section seeks to avoid further adverse effects on the significant values of the Fiordland coastal environment until a long-term carrying capacity is developed through the review of the Regional Coastal Plan. Ongoing monitoring will be required to assess the impacts of surface water activities on visitor experiences and the physical characteristics of environment itself.

ISSUE

Objectives 16.1.1, 16.1.2, 16.1.3 Policies 16.2.1, 16.2.2, 16.2.3, 16.2.4, 16.2.5, 16.2.6, 16.2.7, 16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.12, 16.2.13, 16.2.15, 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.4.1, 16.4.2, 16.4.3, 16.4.4, 16.4.6, 16.4.7, 16.4.8, 16.4.9 Rules 16.2.1, 16.2.2, 16.3.1, 16.3.2, 16.3.3 and 16.3.4

Issue 16.1.1 - The increasing frequency, scale and/or duration of commercial and non-commercial surface water activities on coastal waters within Fiordland, has the potential to diminish the values that attract people to these waters and adjoining land

OBJECTIVES

Policies 16.2.1, 16.2.2, 16.2.3, 16.2.4, 16.2.5, 16.2.7, 16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.12, 16.2.13, 16.2.14, 16.2.15, 16.3.1, 16.3.2, 16.3.3, 16.3.4 and 16.3.5 Rules 16.2.1, 16.2.2, 16.3.1, 16.3.2, 16.3.3 and 16.3.4

Objective 16.1.1 - Maintain essential characteristics

To maintain the essential characteristics, including the internationally, nationally and regionally significant values, of the pristine Fiordland coastal environment that contribute to a range of high quality experiences in a natural coastal environment.

Explanation – Commercial surface water activities allow people to experience the unique and significant values of Fiordland. Since 2007, there has been an increase in the use of the Fiordland coastal marine area by commercial and recreational ships. Use was previously largely focused in Piopiotahi / Milford Sound, and to a lesser extent in Patea / Doubtful Sound. However, more recently use has increased in Southern Fiordland. Surface water activity, individually and cumulatively, can impact on the essential characteristics of the Fiordland coastal environment. For some people the intensity of activity within some areas (for example Piopiotahi / Milford Sound, Patea / Doubtful Sound and to a lesser extent Tamatea / Dusky Sound) has already eroded, to varying degrees, the intrinsic values of these places. These values largely stem from the very high natural character and the physical and perceptual characteristics of the landscape. Landscape as a human experience combines both aesthetic values and other values, which people attribute to landscape such as tranquility, remoteness and lack of intrusion. The essential characteristics of the coastal environment of Fiordland that contribute to a range of high quality visitor experiences include outstanding natural character, natural features, landscape and amenity values, fauna and vegetation values, finite character and wilderness/ remoteness values. These values are internationally, nationally and regionally significant. The surrounding Fiordland National Park, that forms part of the Fiordland coastal environment, is internationally recognised as a UNESCO World Heritage Site. The coastal waters and seabed of Fiordland (Te Moana o Atawhenua) have been submitted for the tentative list for World Heritage recognition. There are also ten marine reserves present within Fiordland's coastal waters. The significant values need to be maintained so that people can continue to

enjoy a range of high quality experiences. Failure to maintain these values will result in people feeling the need to travel elsewhere to experience the values they once experienced in a particular locality. The increase in use in Southern Fiordland indicates this has already occurred in the Fiordland coastal marine area.

A sustainable "carrying capacity" that maintains the essential characteristics of the area needs to be determined. This will maintain the internationally, nationally and regionally significant values of the Fiordland coastal environment for future generations.

Objective 16.1.2 - Preserve remoteness and wilderness values

Policies 16.2.1, 16.2.2, 16.2.4, 16.2.5, 16.2.7, 16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.12, 16.3.1, 16.3.2, 16.3.3, 16.3.4 and 16.3.5
Rules 16.2.1, 16.2.2, 16.3.1, 16.3.2, 16.3.3 and 16.3.4

To preserve the remoteness and wilderness values of the Fiordland coastal environment.

Explanation - The internal waters of Fiordland offer a range of experiences, as does the adjoining Fiordland National Park. The Fiordland National Park Management Plan 2007 zones the western parts of the Park as "Wilderness" or "Remote" areas. Notwithstanding this, there are areas of the coastal marine area, which provide these values, whether or not the National Park Plan zones adjoining areas that way. The boundary of the National Park is the mean high water mark. The experience of the coastal environment, however, integrates the contribution of the qualities of the land and the sea. It does not recognise administrative boundaries.

In order to achieve a wilderness or remote experience in the coastal marine area that is compatible with that of the adjoining land, the coastal management regime will need to differ from that applied elsewhere in the coastal marine area.

Over time, recreational and commercial use of the internal waters of Fiordland has increased and has changed. A 2021 study (*Wilderness and Remoteness Values of Fiordland Waters by Lindis Consulting*) found that for some people the wilderness values of the fiords have already been lost, whilst others believe they remain unaffected by changes in use. Management of increasing levels of use is required, to preserve the wilderness and remoteness values of the internal waters of Fiordland and to manage impacts on the recreational experience of Fiordland National Park.

Objective 16.1.3 - Effects of surface water activities on intrinsic values

Policies 5.5.1, 5.5.2, 5.5.9, 5.5.10, 16.2.1, 16.2.2, 16.2.3, 16.2.4, 16.2.5, 16.2.6, 16.2.7, 16.2.8, 16.2.9, 16.2.10, 16.2.11, 16.2.12, 16.2.13, 16.2.15, 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.3.5, 16.4.1, 16.4.2, 16.4.3 and 16.4.4
Rules 16.2.1, 16.2.2, 16.3.1, 16.3.2, 16.3.3 and 16.3.4

To ensure that commercial and private recreational surface water activities do not adversely affect the intrinsic values of the Fiordland coastal environment.

Explanation - Recreational activities, whether privately organised or facilitated by a commercial operator, can adversely affect the natural and physical environment and the enjoyment and pleasantness of other people's recreational experience.

To protect the environment and the quality of experience people gain from it, users should conduct their activities in a manner that avoids adverse effects on each other and the environmental conditions that attract them to the area.

16.2 Surface Water Activities

POLICIES

Rules 16.2.1, 16.2.2

Policy 16.2.1 – Recognise, identify and protect areas at risk of diminished natural character, landscape and amenity values

- a **Recognise that natural character, landscape and amenity values are not uniform across all fiords and some areas are more vulnerable than others to the adverse effects of increased use; and**
- b **Identify areas in the fiords where natural character, landscape and amenity values are vulnerable to the adverse effects of increased use.**

Explanation - This section adopts a precautionary approach to the management of adverse effects of commercial surface water activities on the values of the Fiordland coastal environment. All areas of Fiordland are valued for their natural character, landscape and amenity values. The attributes of different fiords can affect their resilience to increased and change in use and some areas are more at risk than others. These attributes include difficulty of access, activity level, remoteness, human-built infrastructure, natural quiet, type of landscape, extent of connected fiord waterways and proximity to formally protected areas. Patea / Doubtful Sound, in particular, is seen as offering an alternative or complementary experience to Piopiotahi / Milford Sound. Patea / Doubtful Sound is particularly vulnerable because it is directly accessible by a combination of boat and road access. Hall Arm and Kaikiekie / Bradshaw Sound have been identified as highly valued areas of Patea / Doubtful Sound.

Access to other areas is either by air or by boat around open coast. Such access is generally relatively expensive or difficult and consequently less popular. However, recently this use has been increasing also for example within Southern Fiordland. Intensification of use needs to be managed if the current values of these areas are to be maintained for future generations.

Amenity values are defined by the Resource Management Act as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. They are a subset of landscape values.

Landscape values include the environment's visual appeal and attributes of the environment that are pleasing to the mind, feelings or senses. These values pertain directly to the quality of the human perceptual experience evoked by phenomena or elements or configurations of elements in the environment as perceived by sight, sound, feel, touch and taste.

While such values are inherently subjective, many are widely shared and supported by research already formally recognised by the community, particularly by those who have studied the relationship of people to the natural and physical environment.

This policy requires case-by-case consideration, for example through the resource consent process, of the vulnerability of an area's values to the adverse effects of commercial surface water activities.

Policy 16.2.2 – Avoid adverse effects on internationally, nationally, and regionally significant values

Rules 16.2.1, 16.2.2

Avoid adverse effects on the international, national, and regionally significant values of the Fiordland coastal environment, by:

- 1 recognising that the international, national, and regionally significant values of the Fiordland coastal environment include:
 - a outstanding natural character values, including wild and scenic values and outstanding naturalness; outstanding landscape and natural feature values;
 - b amenity values;
 - c significant habitats of indigenous fauna, significant indigenous vegetation and indigenous biological diversity (including marine reserves and habitat of the protected black coral, marine mammals and sea birds);
 - d spiritual and cultural values, relationships, and beliefs of tangata whenua;
 - e Ngāi Tahu customary use; taonga species present; and
 - f wilderness, remoteness and tranquility values;
- 2 not granting resource consent for new or intensifying (above that which lawfully existed at 18 July 2022) commercial surface water activities, including ancillary activities, where adverse effects on those matters identified in Policy - 16.2.2(1) will increase; and
- 3 using a precautionary approach in the consideration of resource consents for commercial surface water activities, including ancillary activities, to ensure the international, national and regional values of the Fiordland coastal environment are protected, or maintained where values have been degraded;

until allocation, limits are established through the Regional Coastal Plan Review process.

Explanation – The Fiordland coastal environment is largely unspoilt. It is an area that is known nationally and internationally as one of the last remote vestiges in the world. This unspoilt nature, which has no habitation from the presence of for example bach's, with the exception of habitation at discrete development nodes at Cromarty, Deep Cove and Piopiotahi/Milford Sound, combined with its dominating and awe-inspiring landscapes and diverse array of indigenous biodiversity results in an area which is internationally, nationally, regionally, and culturally significant. The surrounding Fiordland National Park, that forms part of the Fiordland coastal environment, is internationally recognised as a UNESCO World Heritage Site. The coastal waters and seabed of Fiordland (Te Moana o Atawhenua) have been submitted for the tentative list for World Heritage recognition. Tangata whenua have a long association with Te Mimi o Tū Te Rakiwhānoa (Fiordland coastal marine area). Ngāi Tahu have extensively visited Te Mimi o Tū Te Rakiwhānoa for example for the gathering of mahinga kai and taonga. The traditional routes followed are of significance, as are the places they journeyed to and the uses.

The unique climate, terrestrial vegetation and topography in this area has resulted in distinctive marine and terrestrial ecosystems. The pristine, forested catchments of the fiords are recognised through their National Park and World Heritage status, with a number of important marine areas identified as Marine Reserves and china shops. The Fiordland coastal environment is highly valued for its outstanding natural character and recreational experiences offered, such as wilderness and remoteness values. It is home to a wide variety of coral, seaweed, fish and marine mammals. The fiords provide important habitat for protected species such as bottlenose dolphins (terehu), New Zealand fur seals (kekeno), Fiordland crested penguins (tawaki) and blue penguins (kororā). The latter three are recognised under the Ngāi Tahu Claims Settlement Act 1998 as taonga species. Taonga species are more than just those, which are protected in the Act however, including marine mammals, birds, plants and all indigenous species. The significant values of Fiordland are sensitive to increasing activity, which can, if not managed appropriately, result in a degradation of these values.

Too much activity can diminish the values that initially attracted people to an area. People then start seeking areas elsewhere, for example Rakiura / Stewart Island, which still offer the values they originally found in the now more popular area. The growth in activity can be both commercial and private. Over the last decade, there has been growth in the level of commercial and recreational activity that is occurring within the Fiordland coastal environment. To ensure the significant values of the Fiordland coastal environment are maintained for future generations, it is imperative that increasing levels of activity do not compromise Fiordland's intrinsic values, such as outstanding natural character values, indigenous biological diversity, and wilderness and remoteness values, and values held by mana whenua. The capacity of the Fiordland coastal environment to absorb human use including commercial surface water activities is limited if Fiordland's intrinsic values are to be retained. If use continues to increase, for example from an increased frequency of vessel trips, larger vessels, more vessels, and/or more ancillary activities, eventually the intrinsic values of the Fiordland coastal environment will be eroded. For some people these values have already been eroded. As such, this policy limits the effects of commercial activities across the Fiordland coastal marine area to consented levels that existed at 18 July 2022 until such a time as a comprehensive assessment is completed through the Regional Coastal Plan Review. This comprehensive review should take into account the natural values of the Fiordland CE and users experiences and perceptions. Given the international, national, and regionally significant values present and their sensitivity, this approach is appropriate to ensure these values are preserved and protected for future generations.

Policy 16.2.3 – Avoid or mitigate adverse effects on marine mammals

Rules 16.2.1, 16.2.2

Avoid or mitigate adverse effects from commercial surface water activities on marine mammals including by:

- 1 considering the level of underwater noise of the vessel, including ancillary activities, and methods proposed to minimise underwater noise (for example speed restrictions);
- 2 considering speed restriction where this could minimise potential effects on marine mammals;
- 3 where relevant, including conditions in resource consents focused on avoiding adverse effects on habitats that are particularly significant for marine mammals including whales, seals and the endangered bottlenose dolphin populations; and
- 4 advocating for the use and understanding of current measures to avoid or mitigate potential adverse effects on marine mammals as appropriate.

Explanation - Fiordland is home to a number of marine mammals and is also an important area for migratory marine mammals including humpback whales. Surface water activities can adversely affect marine mammals and their habitats. In particular, the bottlenose dolphins of Fiordland are thought to be the world's most southern dolphins. There are three separate populations present: one in Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound, one in Tamatea / Dusky Sound and one in the northern fiords. Bottlenose dolphins are nationally endangered. The bottlenose dolphins of Fiordland are significant in their own right. However, they also contribute to the natural character of Fiordland. Research has shown that vessels, including both recreational and commercial, can adversely affect bottlenose dolphins primarily through behaviour disruption, such as vessel noise masking dolphin communications, and increased dive times, and vessel strikes. Calves are particularly vulnerable to the effects of vessels.

The Patea / Doubtful Sound marine mammal (and other wildlife) code of management has been prepared by the Department of Conservation. The code is a voluntary measure, and its focus is to protect and ensure the long-term sustainability of marine mammals and other wildlife in the Patea / Doubtful Sound complex and should be taken into consideration by all users of the area. The code established dolphin protection zones where motorised vessels are only permitted if dolphins are not present, and access is required such as to access an anchorage or view a shore feature. In terms of adverse effects on marine mammals, it is intended that this policy have the flexibility to apply current research and/or guidelines but also to be informed by new research outputs, which may then be taken into consideration in the consenting process as well as in the advocacy of additional measures to avoid or mitigate potential adverse effects on marine mammals.

Policy 16.2.4 - Restrictions on Commercial Day-trips in Patea / Doubtful Sound and Arms thereof

Rule 16.2.1

Exclude commercial day-trip activities from Kaikiekie / Bradshaw Sound, Gaer Arm, First Arm and Crooked Arm west of Turn Point.

Explanation - The reason for this Policy is to provide areas where people who are actively experiencing the environment or seeking a backcountry experience, can do so without interruption from people who are there for mainly scenic reasons. While both groups of visitors will experience elements of both the physical and perceptual aspects

of the landscape, the intensity of perceptual experience will be stronger, and most probably more important, to those people who seek to live within it rather than visit.

It is the people in the environment, not the physical environment that are principally affected by day trip activities. These activities principally affect values people place on these areas, and although many of the values are subjective, they are widely shared, supported by research or already formally recognised by the community. These values are usually some form of landscape or amenity value that contribute to the pleasantness or beauty of the area, such as a lack of unnatural noise, feelings of peace and quiet, stillness, remoteness, inspiration, lack of commercialisation or a lack of smoke and odour. It is often these values that are the key to providing for people's social and cultural and spiritual well-being. Too many intrusions by day trip ships, and to some extent ships providing backcountry experiences, can damage the aesthetic coherence of the landscape.

The effect of this policy is to restrict the use of Kaikiekie / Bradshaw Sound, Gaer and First Arms, Precipice Cove and Crooked Arm west of Turn Point to commercial activities that share an element of active participation with the environment, whether that be exploring, vegetation and fauna observation, fishing, diving, interpretation, etc.

Such activities often involve overnighting in the area on ships or in huts and camps close to the coastal marine area or stopping and visiting the adjoining land and rivers. This policy effectively prevents the use of these areas by ships undertaking predominantly scenic trips on a daily basis. Such trips out of Deep Cove will be confined to Patea / Doubtful Sound including Deep Cove, Hall Arm, Te Awa-o-Tū / Thompson Sound and Crooked Arm east of Turn Point.

One of the values of Patea / Doubtful Sound is the contribution it makes to the remote educational experience of school children who visit the Deep Cove Hostel at the head of the Sound. Annually, over 2,500 children stay at this facility for a few nights whilst on class camps. As part of that educational experience and as a means of appreciating their natural heritage, the children usually take a launch trip on commercial ships based at Deep Cove, as well as engaging in tramping, fishing and nature study activities in, on and around Deep Cove. Such trips are considered appropriate.

Rules 16.2.1, 16.2.2

Policy 16.2.5 - Non-commercial users

Using a range of non-regulatory tools, such as codes of practice, in collaboration with the Department of Conservation and the Harbour Master actively encourage non-commercial users of the internal waters of Fiordland to avoid or mitigate the adverse effects of their activities on natural character, natural features, landscape and amenity values, as well as areas of significant indigenous vegetation, significant habitats of indigenous fauna and marine mammals.

Explanation - Non-commercial users refer to those accessing the internal waters of Fiordland for activities, which are not undertaken for the purpose of generating profit and are not.

Commercial Surface Water Activities as defined in this Plan. They include, but are not limited to, people engaging in recreational activities, undertaking statutory functions and cleaning up activities. The activities of non-commercial users can also adversely impact on natural character, the landscape and amenity values and areas of significant indigenous vegetation, significant habits of indigenous fauna and marine mammals of Fiordland.

It is felt that the most effective means of addressing the effects of such users is a code of practice. In some respects, this may overlap with similar codes for fishers and the "environmental care code". The code could also address other matters such as the effect of diving activities on indigenous vegetation and fauna.

Through a code, users can be made aware of the potential effects of their activities on the experience of others and the environment. Codes of practice need to be developed in conjunction with users groups and other organisations with a management role in the coastal marine area to ensure consistency and avoid overlap. Other methods can be used in conjunction with, or independently of, a code of practice. Examples include provision of a suitable guideline, increasing the monitoring role of the Harbourmaster, and undertaking educational promotions at various public events.

The Fiordland Marine Guardians' *'Beneath the Reflections: Guide to Fiordland'* (2021) is a comprehensive guideline developed in cooperation with multiple agencies representing users' groups and government. It contains detailed guidance relating to a number of themes including pest management, protection of marine mammals, diving and recreational fishing. All visitors to Fiordland are strongly encouraged to familiarise themselves with the rules contained within it before visiting. In addition, the Patea / Doubtful Sound marine mammal (and other wildlife) code of management has been prepared by the Department of Conservation. The code is a voluntary measure, and its focus is to protect and ensure the long-term sustainability of marine mammals and other wildlife in the Patea / Doubtful Sound complex and should be taken into consideration by all users of the area.

The Fiordland Marine Regional Pathway Management Plan (FMRPMP) sets out several rules and standards that must be met by all vessels (including recreational vessels) entering within one nautical mile of the landward boundary of the Fiordland Marine Area (as defined in the FMRPMP). It requires all vessel operators to obtain a Fiordland Clean Vessel Pass.

Policy 16.2.6 – Fiord terminology

Advocate that the fiords in Fiordland be correctly referred to including the use of dual place names.

Explanation - Historically, many of the fiords of Fiordland have been referred to as sounds, for example Piopiotahi / Milford Sound. The reference to 'Sound' within this terminology is incorrect. Given that the fiords are probably the most significant coastal landform in the Southland region and are outstanding natural features, it is appropriate that they be correctly referred to. The fiords have dual place names, which recognise the cultural significance of Te Mimi o Tū Te Rakiwhānoa (Fiordland coastal marine area) to tangata whenua. Place names along the Fiordland coast record Ngāi Tahu history and point to the landscape features, which are significant to people for a range of reasons. The dual place names are:

- Piopiotahi / Milford Sound
- Patea / Doubtful Sound
- Hāwea / Bligh Sound
- Hinenui / Nancy Sound
- Kaikiekie / Bradshaw Sound
- Moana-whenua-pōuri / Edwardson Sound
- Rakituma / Preservation Inlet
- Taiari / Chalky Inlet
- Taiporoporo / Charles Sound
- Taitetimu / Caswell Sound
- Tamatea / Dusky Sound
- Te Awa-o-Tū / Thompson Sound
- Te Awaroa / Long Sound
- Te Hāpua / Sutherland Sound
- Te Houhou / George Sound
- Te Korowhakaunu / Cunaris Sound
- Te Puaitaha / Breaksea Sound
- Te Rā / Dagg Sound

Piopirotahi / Milford Sound and Patea / Doubtful Sound are not the official geographic names of the geographic features to which they apply, respectively. The official geographic names of those features are Milford Sound / Piopirotahi and Doubtful Sound / Patea, respectively.

It is interesting to note that the Fiordland National Park was originally named the "Sounds National Park" when it was gazetted as a national park in 1905. The name was changed by Section 3 of the National Parks Amendment Act 1955 to what was described at the time as "the more correct descriptive name, Fiordland National Park". The Southland Regional Council will therefore advocate to the NZ Geographical Board and other Crown agencies that the official name of these fiords referred to as sounds be amended.

Rules 16.2.1, 16.2.2

Policy 16.2.7 – Protection and maintenance of remoteness, wildness and recreational values in the fiords, inlets and arms

Manage adverse effects of commercial surface water activities, including ancillary activities, in the Fiordland coastal marine area:

- 1 to protect wilderness values of Rakituma / Preservation Inlet and Taiari / Chalky Inlet;
- 2 to protect the wilderness values of the northern fiords, between (but not including) Piopirotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound;
- 3 to protect remoteness values of the Tamatea / Dusky Sound complex (including Tamatea / Dusky Sound, Te Puaitaha / Breaksea Sound, Te Rā / Dagg Sound and all associated 'arms') and wilderness values of the Cook and Bowen channels within the Tamatea / Dusky Sound complex;
- 4 to maintain the predominantly remote values of the Patea / Doubtful Sound complex (including all 'arms', Te Awa-o-Tū / Thompson Sound and Kaikiekie / Bradshaw Sound); and
- 5 to maintain the recreational and visitor values of Piopirotahi / Milford Sound and Deep Cove.

Explanation - Apart from Piopirotahi / Milford Sound and Patea / Doubtful Sound, all of the principal arms, inlets and fiords in Fiordland offer significant remoteness and wilderness values. These wilderness and remoteness values are largely contingent on the naturalness of the Fiordland coastal environment, noting that access to the fiords is primarily through mechanical means such as ship or aircraft.

Remoteness and wilderness values are similar, with remote areas being a less strict version of wilderness and having better access. Key elements of wilderness values for Fiordland's coastal waters are remoteness, naturalness, minimal human presence, natural quiet, aesthetic appreciation/scenery, conservation-related activity, personal experience, and scale. In remote and wilderness areas, there is an expectation of a greater degree of isolation than can be expected in Piopirotahi / Milford Sound and Patea / Doubtful Sound, principally because they are difficult to get to. The northern fiords are those fiords between Piopirotahi / Milford Sound and Te Awa-o-Tū / Thompson Sound; they generally have the lowest level of use of all the fiords. The southern fiords of Rakituma / Preservation Inlet and Taiari / Chalky Inlet generally have the next lowest level of activity. The southern fiords are also surrounded by land, which is managed by the Department of Conservation for a wilderness experience.

Notwithstanding the access difficulties, the amount of activity in the Fiordland coastal marine area is increasing, some being attributable to people utilising more remote areas in an effort to find a place that offers the same degree of isolation once found in what are now more frequently visited areas. The effect of such activity is a matter of concern to people who value the remoteness of these parts of Fiordland.

Landform plays an important role in a fiord's ability to accommodate activity. In fiords with limited landform variation (i.e., open 'corridor' in nature), there is generally less ability for the fiord to absorb the adverse effects of vessels than a fiord which is highly indented. The length of different reaches of the fiords also plays an important role in a fiord's ability to accommodate vessel activity. Long reaches mean vessels will be visible and audible for extended periods of time. This Plan describes wilderness as a condition in which there is an extremely high probability of experiencing complete isolation from the sights, sounds and activities of people. Remoteness is a similar condition, but the probability of experiencing complete isolation from the sights, sounds and activities of people is reduced from extremely high-to-high (Section 16.1 Introduction).

Effects of individual ships on wilderness and remote values are generally transient and are unlikely to permanently reduce the naturalness of the area. However, the number, duration and frequency of vessels in one area, particularly if consistently maintained, can make a transitory and temporary effect more permanent, which can lead to greater levels of adverse effects.

Policy 16.2.8 – Impacts on wilderness and remoteness values
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Rules 16.2.1, 16.2.2

When considering a resource consent for a commercial surface water activity, recognise and take into account matters that can impact on the international, national, and regionally significant wilderness and remoteness values of the Fiordland coastal environment including:

- 1 ship size including increases in ship size from those lawfully established at 18 July 2022;
- 2 frequency of ship use and type of use (including day trips or backcountry trips);
- 3 vessel appearance, including scale, bulk and form of the ship exterior;
- 4 cumulative effects including increasing number of ships and structures and concentration of these;
- 5 ancillary activity (including helicopters, tenders craft and kayaks) associated with the commercial surface water activity proposal, in particular increases in ancillary activity levels above those levels lawfully established at 18 July 2022;
- 6 location, landform and scale of the landscape, including its ability to absorb change;
- 7 anthropogenic noise; and
- 8 presence and use of structures, including moorings, required for the commercial surface water activity proposal.

Explanation – Generally, descriptions for wilderness and remoteness values are focused on natural environments with little evidence of human modification. This Plan describes wilderness as a condition in which there is an extremely high probability of experiencing complete isolation from the sights, sounds and activities of people. Remoteness is a similar condition, but the probability of experiencing complete

isolation from the sights, sounds and activities of people is reduced from extremely high-to-high (Section 16.1 Introduction).

It is challenging to place a limit on the amount of activity, which can be accommodated within the internal waters of Fiordland for a number of reasons including: each fiord is different in terms of landform and values and access to the Fiordland coastal marine area is largely motorised. However, increasing activity and changing use patterns (both recreational and commercial) in the internal waters of Fiordland has raised concerns that the international, national and regionally significant wilderness and remoteness values of the Fiordland coastal environment are at risk of being eroded and for some users have already been eroded. Policy 3 of the New Zealand Coastal Policy Statement requires the adoption of a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood but potentially significant. Given the international, national and regional significance of the Fiordland coastal environment a precautionary approach towards the consideration of commercial surface water activities is appropriate. The matters identified in this policy can adversely affect the wilderness and remoteness values of the Fiordland coastal environment. A 2021 report The Wilderness and Remoteness Values of Fiordland Waters (Lindis Consulting) has identified that for some people wilderness and remoteness values have already been eroded and any further increase in activity will exacerbate adverse effects on wilderness and remoteness values. As such, careful consideration needs to be given to each matter to ensure the wilderness and remoteness values of Fiordland are maintained for future generations. This policy should be considered in conjunction with Policy 16.2.2 and Policy 16.2.7.

Rules 16.2.1, 16.2.2

Policy 16.2.9 - Use of Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound as Thoroughfares

Provide for commercial surface water activities to use Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound as thoroughfares where it is necessary to:

- 1 embark or disembark passengers to or from shore;**
- 2 access services including maintenance, repairs and vessel refueling;**
- 3 access wharves, moorings, launching areas or slipway;**
- 4 travel from one arm of Patea / Doubtful Sound to another in the case of commercial backcountry activities and day trip activities;**
- 5 off-load cargo, waste or wastewater (sewage) and uplift supplies; and**
- 6 carry out activities associated with the construction and maintenance of the Manapouri Power Scheme and tailrace.**

Explanation – Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sounds are important thoroughfares for a range of ships wanting access to facilities or the road end at Deep Cove. They also provide access to anchorages or bases within the sounds themselves, for example, Blanket Bay and Deep Cove. Such access is necessary, but is largely incidental to the principal surface water activity of the ship. Access is also required for embarking and disembarking passengers, and for activities associated with the Manapouri power scheme.

This policy seeks to minimise the presence of other commercial vessels in Patea / Doubtful Sound and Te Awa-o-Tū / Thompson Sound so as to protect the amenity of the area.

Policy 16.2.10 - Monitoring of surface water activities including ancillary activities and their effects

Monitor the scale, geographic scope and distribution of surface water activities, including ancillary activities, and their effects on visitor perceptions and the physical environment.

Explanation - Surface water activities in a remote and pristine area like Fiordland have more significant effects than they would elsewhere, both in terms of their impact on the physical environment and visitor experiences. However, they are difficult to readily quantify. Consequently, it is necessary to gather information on the nature of the use and the effects of that use in a structured, repeatable, rigorous manner. Where possible, the opportunity should be taken to obtain baseline information in advance of activities (including their ancillary activities) becoming an issue. Monitoring needs to be repeatable and representative to provide a sound basis for future management.

As such, a large proportion of the monitoring will be part of the Council's general environmental monitoring pursuant to Section 35 of the Resource Management Act 1991 rather than consent monitoring, although the latter still has a role.

Policy 16.2.11 - Fiordland National Park Management Plan

- 1 Use the Fiordland National Park Management Plan review process as a means of achieving the sustainable integrated management of the coastal environment; and**
- 2 Require resource consent applications to consider adverse effects on Fiordland National Park by having regard to the Fiordland National Park Management Plan.**

Explanation - Nearly all of the land adjoining the coastal marine area of Fiordland is gazetted National Park. Under Section 66(2)(c) of the Resource Management Act 1991, the Southland Regional Council is required to have regard to management plans prepared under other legislation, and that includes the Fiordland National Park Management Plan. Policy 5 of the New Zealand Coastal Policy Statement 2010 requires the consideration of adverse effects on lands or waters in the coastal environment held under the Conservation Act 1987 and the National Parks Act 1980.

Activities taking place in the Fiordland coastal marine area can adversely impact the values of Fiordland National Park. Increasing levels of surface water activities can result in increases of unnatural noise, air emissions (smoke and odour) and visual amenity effects. The land surrounding the Fiordland coastal marine area is predominantly managed for remote and wilderness experiences. It is therefore sensitive to increased activity. Likewise, activities taking place within the Fiordland National Park can also impact upon the coastal marine area, for example, activities and structures allowed on land adjoining the coast can adversely affect amenity values. Such development can also enhance the use of the coastal areas.

The Fiordland National Park Management Plan is reviewed every 10 years, and any person may make submissions to that review process. The Southland Regional Council will take such opportunity that it considers appropriate in order to achieve integrated management of the coastal environment.

See also Section 20.2.

Policy 16.2.12 - Research ships

Provide for ships that facilitate monitoring and research on the coastal marine area of Fiordland.

Explanation - The future management of the coastal marine area in Fiordland will necessitate monitoring and research. Given the remoteness of the area and the predominance of the sea, ships will be required to either undertake research or accommodate researchers. It is unlikely that research ships will represent a significant proportion of overall use. Nevertheless, the amount of activity associated with research should also be properly managed especially given the recent increase in surface water activities taking place in the internal waters of Fiordland. Ships undertaking an assessment of the adverse effects of activities within the internal waters of Fiordland and ships performing statutory monitoring for a central or local government agency or statutory body should be provided for. This policy does not provide for the expansion of commercial surface water activities in any way.

Research conducted by universities, private research institutions and crown research institutions from research vessels has been valuable not only for growing knowledge and understanding of the FMA, but also for informing management, and it is expected that such research will continue to provide value in the future.

Policy 16.2.13 - Activities that are ancillary to a principal commercial surface water activity

Consider the cumulative effect of commercial surface water activities by ensuring the adverse effects of activities that are “spawned” by or ancillary to the principal surface water activity are considered and if necessary restricted when assessing resource consent applications.

Explanation - Many commercial surface water activities include ancillary activities, which support the main commercial surface water activity. For example, charter boat or scenic cruise operators may also offer kayaks, tender craft, dinghies, paddleboards or helicopter transfers to their clients. These activities generally allow visitors to get off the main vessel and become more immersed in the Fiordland coastal environment. However, these activities individually and cumulatively can adversely affect the significant international, national, and regional values of the Fiordland coastal environment due to, for example, more activity or ‘busyness’ occurring in remote and wilderness areas. This policy seeks to ensure the cumulative adverse effects of commercial surface water activities and their ancillary activities are considered. This policy should be read in conjunction with Policy 16.2.2, Policy 16.2.7 and Policy 16.2.8.

Policy 16.2.14 - Statutory function and environmental cleanup activities

Provide for the use of ships in the internal waters of Fiordland that are:

- a performing the statutory function of a central or local government agency or statutory body in those waters or on adjacent land practically accessible from the coastal marine area only; or
- b undertaking salvage, recovery or environmental cleanup work in accordance with any statutory, regulatory or contractual obligation, or as part of an organised cleanup programme.

Explanation - The management of the coastal marine area in Fiordland necessitates enforcement activities, eradication work, management programmes, monitoring the state of the environment (including research for that purpose), environmental cleanup and undertaking installation of navigational aids. Given the remoteness of the area and

the predominance of the sea, ships will be required either to undertake these activities, or to accommodate people employed in these roles. It is unlikely that ships utilised for these activities will represent a significant proportion of overall use.

Rule 16.2.1, 16.2.2

Policy 16.2.15 – Consent term

To protect the intrinsic values of the Fiordland coastal marine area when considering the term of consent for commercial surface water activities consideration will be given (but not limited) to:

- a the duration sought by the applicant and reasons for the duration sought;
- b for proposals that did not lawfully exist as at 18 July 2022 whether uncertainty regarding effects / capacity could be addressed through shorter duration;
- c relevant Ngāi Tahu, mana whenua and mana moana values;
- d the value, permanence, and economic life of any capital investment and any related infrastructure, of relevance to their application;
- e the desirability of applying a common expiry date;
- f the applicant's compliance with conditions of any previous resource consent and requirements to hold a Fiordland Clean Vessel Pass; or
- g the applicant's adoption, particularly voluntary, of practices, which avoid or if avoidance is not possible adequately mitigate adverse effects.

Explanation – This policy provides guidance for Council staff, decision makers, applicants, and other key stakeholders to ensure the consent term for resource consents for commercial surface water activities are appropriate. The focus of this policy is to achieve consent terms that reflect the specific nature of the proposed commercial surface water activity and understanding of the activity's adverse effects, and the national and regional significance of the Fiordland coastal marine area. The Regional Coastal Plan is in the process of being reviewed. It is anticipated through this review allocation limits, or other management methodologies will be developed to sustainably manage the Fiordland coastal marine area.

With respect to Ngāi Tahu, mana whenua and mana moana values it is recommended resource consent applicants engage with Te Ao Marama Incorporated and/or papatipu rūnanga to understand values within the Fiordland coastal environment. Te Tangi a Tauira – the Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008) and other future Iwi Management Plans provide direction on resource management issues for Ngāi Tahu, mana whenua and mana moana.

RULES

Rule 16.2.1² - Commercial surface water activity

- 1 Except as provided for by (6) below, it is a prohibited activity to undertake commercial day trips on Crooked Arm west of Turn Point, Kaikiekie / Bradshaw Sound or First Arm.
- 2 Except as provided for by (4) or (6) below, it is a non-complying activity to undertake commercial day trips:
 - a on Hall Arm;
 - b on Patea / Doubtful Sound, Te Awa-o-Tū / Thompson Sound or Crooked Arm east of Turn Point.
- 3 Except as provided for by (5) or (6) below, it is a non-complying activity to undertake commercial backcountry activities:
 - a on Crooked Arm west of Turn Point;
 - b on Hall Arm;
 - c on First Arm;
 - d on Kaikiekie / Bradshaw Sound.
- 4 Except as provided for by (6) below, it is a discretionary activity to undertake commercial day trips:
 - a on Hall Arm, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day;
 - b on Patea / Doubtful Sound, Te Awa-o-Tū / Thompson Sound or Crooked Arm east of Turn Point, provided that within this area the total number of commercial day trips undertaken by all operators does not exceed five on any day.
- 5 Except as provided for by (6) below, it is a discretionary activity to undertake commercial backcountry activities:
 - a on Crooked Arm west of Turn Point, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;
 - b on Hall Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of three per day, measured over the period of each calendar month;
 - c on First Arm, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of two per day, measured over the period of each calendar month;
 - d on Kaikiekie/ Bradshaw Sound, provided that within this area the total number of commercial backcountry trips undertaken by all operators does not exceed an average of four per day, measured over the period of each calendar month;

provided that no mooring occurs in Hall Arm.

2

- a) Changed by Environment Court Consent Order – Judge Jackson, 20 May 2004.
- b) Ship operators are still required to comply with the Biosecurity Act 1993 and the Council's Regional Pest Management Strategy. This is to ensure the risk of introducing any unwanted organism or pest, as defined in either the Act or the Strategy, to the Fiordland Marine Area is minimised.

- 6 It is a permitted activity to undertake any commercial surface water activities within the internal waters of Fiordland from Yates Point to Puysegur Point for the purposes of:
- a performing a statutory function of a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland itself or on adjacent land that is necessary to be accessed from the coastal marine area;
 - b undertaking the cleanup, removal and disposal of any oil/diesel spill, contaminants, unwanted organisms, rubbish and unlawful structures in or adjacent to the coastal marine area, including wrecks and sunken ships, in accordance with any statutory or regulatory obligation, contract of insurance or as part of any organised cleanup programme.

Notwithstanding 6a and 6b above, the commercial surface water activity shall operate in accordance with the other provisions specified in this Plan, except (1)-(5) above.

- 7 Unless provided for by Rules 16.2.1(1)-(6) above or otherwise specified in this Plan, it is a discretionary activity to undertake any commercial surface water activities (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point provided the following conditions can be met:
- a the commercial surface water activity (including ancillary activities) lawfully existed as at 18 July 2022; and
 - b the frequency, location, scale and/or duration of the lawfully established commercial surface water activity (including ancillary activities) is not increasing.
- 8 Unless provided for by Rules 16.2.1(1)-(7) above or otherwise specified in this Plan, it is a non-complying activity to undertake any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point.

For the purpose of this rule:

- **Patea / Doubtful Sound** means all that part of the coastal marine area bounded to the west by an imaginary line drawn from Febrero Point to the western extremity of the Hares Ears thence to the western extremity of Secretary Island, and bounded to the south and east by an imaginary line from Brig Point to the southern extremity of Elizabeth Island and the extension thereto excluding Te Awa-o-Tū / Thompson Sound, Kaikiekie / Bradshaw Sound, First Arm and Crooked Arm.

Explanation - Surface water activities adversely affect the values of the Fiordland coastal environment. Recent information suggests surface water activity use has been increasing. The above rule along with the preceding policies provides strong direction whilst retaining sufficient flexibility to provide for unusual or unanticipated activities or any other activity with minor effects.

The effects of these activities are on both the physical environment and the people interacting with it, including other commercial users. These effects result from activities such as the discharge of contaminants, the creation of noise, the occupation and use of space, and the creation of wakes. The specific effects include diminished water quality, disturbance of the seabed or foreshore, loss of public opportunity, habitat depletion and loss of natural character, landscape and amenity values. Loss of natural character, landscape and amenity includes, but is not limited to, the adverse effects of noise and rubbish and the loss of remoteness values.

Commercial surface water activities include commercial day trips and commercial backcountry activities. These activities are defined more particularly in the glossary. Generally, however, commercial day trips involve the use of motorised boats that commence and complete a trip on the same day and commercial backcountry activities

involve the use of motorised boats, which commence a trip on one day and complete that trip on another day. Not all commercial activities will fit neatly into the definitions of backcountry or day trip activities. This rule enables all commercial surface water activity to be managed within the wider policy framework.

The effect of the rule is to make any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland, which did not exist at the 18 July 2022 a non-complying activity.

In parts of Patea / Doubtful and Te Awa-o-Tū / Thompson Sounds and the arms thereof, commercial backcountry activities are discretionary activities up to a certain level of use after which they become non-complying activities. Similarly, commercial day trip activities in Hall Arm, Patea / Doubtful Sound and Crooked Arm east of Turn Point are discretionary activities up to a certain level of use after which they become non-complying activities. Commercial day trip activities in Crooked Arm west of Turn Point, First Arm and Kaikiekie / Bradshaw Sound are prohibited activities. The rule status of each activity is dependent upon the ability of the environment to absorb those activities while protecting the natural character and amenity and providing for administrative flexibility and a range of different experiences within Fiordland.

The Fiordland coastal environment is internationally, nationally and regionally significant for a range of reasons, including its landscapes, natural character, remoteness and wilderness experiences, cultural associations and values and marine biodiversity. In recognition of the Fiordland coastal environment's international value, Fiordland National, which adjoins the Fiordland coastal marine area, is a UNESCO World Heritage site. Commercial surface water activity operators facilitate access to the Fiordland coastal environment for those who may not otherwise be able to experience this special place. However, the ability of the Fiordland coastal marine area to absorb the effects of surface water activities on its values is limited. Rule 16.2.1 manages the expansion of commercial surface water activities to protect the significant values of the Fiordland coastal environment. In addition, by controlling commercial surface water activity intensification there will remain a balance of users within the Fiordland coastal environment (for example protection of values enjoyed by recreational boaters). As a result of increasing use, it is appropriate to carefully consider applications for further increases in use and adopt a precautionary approach to ensure that commercial surface water activity use does not erode the significant values of Fiordland. As such, any increase in activity is a non-complying activity.

Despite the controls imposed on commercial surface water activity within the internal waters of Fiordland from Yates Point to Puysegur Point it is appropriate to permit the utilisation of ships by central or local government agencies, statutory bodies or their contractors, undertaking a statutory function of the agency or body, such as enforcement activities, eradication work, management programme, monitoring the state of the environment, environmental cleanup, undertaking installation of navigational aids, or any other function. Central or local government agencies include Environment Southland, Department of Conservation, Ministry for Primary Industries, New Zealand Customs, Land Information New Zealand, Ministry for the Environment, Ministry of Health, Maritime New Zealand, Ministry of Commerce, New Zealand Police, New Zealand Defence Force, Fiordland Marine Guardians, and Ngāi Tahu recipients pursuant to the Ngāi Tahu Claims Settlement Act 1998, or their contractors. This includes where the ship utilised has been offered to, or used for hire or reward by, an agency, statutory body or its contractor. It is also appropriate to permit the utilisation of ships for environmental cleanup by entities/people/insurers or their contractors.

Enforcement activities range from surveillance, inspections, collecting evidence on an unlawful activity, to taking action to stop an unlawful activity. Environmental cleanup involves cleaning up contaminants, rubbish and unlawful structures, and is required in instances such as an oil/diesel spill, when a ship sinks or when a beach is littered with rubbish. Monitoring the state of the environment covers monitoring and research activities for the primary purpose of ensuring the management documents (i.e. plans, regulations, acts, bylaws etc.) the respective agencies have statutory responsibility for are effective in sustainably managing the coastal environment. This includes monitoring

to ensure all the activities within a particular area are compatible with the area's carrying capacity or overall sustainable limit. It does not cover research activities where the primary purpose is for other purposes, such as individual research or university theses, whereby Rule 16.2.2(3) applies.

Rule 16.2.2³ – Research ships

- 1 It is a permitted activity to use a ship for the purposes of assessing the effects of activities within the internal waters of Fiordland, where such assessment is required as a condition of a resource consent or a rule in this Plan.
- 2 It is a permitted activity to use a ship within the internal waters of Fiordland from Yates Point to Puysegur Point for the purposes of performing statutory function monitoring of the state of the environment for a central or local government agency, or statutory body. The statutory function work may occur within the internal waters of Fiordland itself or on adjacent land that is necessary to be accessed from the coastal marine area.

Notwithstanding this provision, the research ship shall operate in accordance with the other provisions specified in this Plan, except Rule 16.2.1(1)-(5) and (7) - (8).

- 3 Except as provided for in (1) or (2) above, it is a discretionary activity to use a ship for research purposes within the internal waters of Fiordland.

In considering any application for consent lodged in terms of Rule 16.2.2(3), Council shall have regard to the effects of:

- 1 the ship to be used;
- 2 the times of the day and year for which consent is sought;
- 3 the duration or period during which research will be undertaken;
- 4 any effects on the vegetation, fauna and physical environment from the research activity.

Explanation - Generally, research undertaken by universities, private research institutions and crown research institutions from research vessels is valuable for increasing knowledge and understanding of the Fiordland coastal environment. This research can also be used to inform management of statutory bodies within the Fiordland coastal environment. Genuine research is generally supported and should be provided for provided the research activities do not adversely affect other users or natural and physical resources. The effects of any research activity required as a condition of consent will be considered as part of the resource consent and, as such, no other consent should be required for that research. Other research could be very similar in nature to commercial surface water activities and, as such, should be considered in a like manner.

³ Ship operators are still required to comply with the Biosecurity Act 1993 and the Council's Regional Pest Management Strategy. This is to ensure the risk of introducing any unwanted organism or pest, as defined in either the Act or the Strategy, to the Fiordland Marine Area is minimised.

Despite the controls imposed on research ships within the internal waters of Fiordland from Yates Point to Puysegur Point it is appropriate to permit the utilisation of ships for monitoring the state of the environment by central or local government agencies and statutory bodies, such as Environment Southland, Department of Conservation, Ministry for Primary Industries, New Zealand Customs, Land Information New Zealand, Ministry for the Environment, Ministry of Health, Maritime New Zealand, Ministry of Commerce, New Zealand Police, New Zealand Defence Force, Fiordland Marine Guardians, and Ngai Tahu recipients pursuant to the Ngai Tahu Claims Settlement Act 1998, or their contractors.

Monitoring the state of the environment covers monitoring and research activities for the primary purpose of ensuring the management documents (i.e. plans, regulations, acts, bylaws etc.) the respective agencies have statutory responsibility for are effective in sustainably managing the coastal environment. This includes monitoring to ensure all the activities within a particular area are compatible with the area's carrying capacity or overall sustainable limit. It does not cover research activities where the primary purpose is for other purposes, such as individual research or university theses, whereby Rule 16.2.2(3) applies.

Additional Explanation to Rules 16.2.1 and 16.2.2 - Commercial surface water activities can adversely affect the international, national, and regionally significant values of the Fiordland coastal environment. Such uses are also recognised as having the greatest potential to expand and in most instances, it is appropriate to assess the effects of such activities by way of resource consent.

The effects of these activities are on both the physical environment and the people interacting with it, including other commercial users. Specifically, these effects result from activities such as the discharge of contaminants, the creation of noise, the occupation of space, and the creation of wakes. The specific effects also include diminished water quality, disturbance of the seabed or foreshore, loss of public opportunity, habitat depletion and loss of landscape and amenity values. Loss of landscape and amenity includes, but is not limited to, the adverse effects of noise and rubbish and the loss of remoteness values.

Commercial day trips involve the use of motorised ships that commence and complete a trip on the same day. Commercial backcountry activities involve the use of motorised ships, which commence a trip on one day and complete that trip on another day. The type of rule managing such activities is related to the ability of the environment to absorb those activities while protecting the natural character and amenity of those areas, and providing for a range of different experiences within Fiordland. Surface water activities within the Fiordland coastal marine area have been increasing, therefore any further increases in commercial surface water activity (excluding for research purposes) including new consents are to be considered a non-complying activity until a sustainable carrying capacity is developed through the review of the Regional Coastal Plan.

A resource consent for a non-complying activity needs to be carefully considered and can only be granted if the adverse effects on the environment will be minor or the application is not contrary to the relevant objectives and policies. As such, an application for any increase in activity, which did not exist at 18 July 2022, will face a rigorous test to ensure these significant values are protected for future generations.

The references to a non-complying activity are to an activity that is provided for as a non-complying activity in Rule 16.2.1 – Commercial surface water activity. Rule 16.2.1 does not apply to the utilisation of ships by universities, private research institutions and crown research institutions undertaking research. Rule 16.2.1(8) states that unless provided for by Rules 16.2.1(1)-(7) or otherwise specified in the RCP it is a non-complying activity to undertake any commercial surface water activity (including ancillary activities) in the internal waters of Fiordland from Yates Point to Puysegur Point, and under Rule 16.2.2 – Research ships the utilisation of ships by research organisations such as universities and CRIs undertaking research is provided for as a discretionary activity. With reference to Rule 16.2.1(8), research ships are, therefore,

“otherwise specified”. Similarly, under Rule 13.2(2)(b), it is a discretionary activity for any ship over 1,000 gross registered tons, which is not a cruise ship, to be within the internal waters of Fiordland to undertake research activity (i.e., with reference to Rule 16.2.1(8) they are also “otherwise specified”).

Not all commercial activities will fit neatly into the definitions of backcountry or day trip activities. Rule 16.2.1(6) enables all commercial surface water activity to be managed within the wider policy framework. No threshold has been placed in any of the above rules on the number of ‘standalone’ commercial non-motorised boats, such as kayaks, that are able to operate in the Fiordland area because, by themselves, their effects are considered to be no more than minor. As with any commercial surface water activity, however, resource consent is required so that cumulative effects can be managed.

OUTCOMES

The outcomes expected from adopting the objectives listed in Section 16.1 and the policies and rules listed in Section 16.2 are:

16.2.1 Protection of areas within Fiordland that are vulnerable to the adverse effects of increased use.

16.2.2 Commercial and non-commercial use, of any given area of Fiordland, that is compatible with its carrying capacity.

16.3 Noise in the Internal Waters of Fiordland

POLICIES

Policy 16.3.1 - Noise that Compromises Tranquillity and Peacefulness

Rules 5.5.1, 16.3.1, 16.3.2, 16.3.3 and 16.3.4

Avoid noise that compromises the tranquillity and peacefulness which is a characteristic of Fiordland.

Explanation - Tranquillity and peacefulness are characteristic of many parts of Fiordland. These values have been particularly promoted in Hall Arm because of its accessibility. However, tranquillity and peacefulness are not unique to Hall Arm. The very low level of ambient noise in Hall Arm is a special quality of that sound that adds to its scenic value. Tourist operators promote Hall Arm as the “Sound of Silence”. To enable their clients to fully appreciate this value, operators usually switch off the engines of their ships for a short time. In order to maintain this value of “silence,” noise from activities within the arm and within other parts of Fiordland’s internal waters must be managed.

See also Section 5.5

Policy 16.3.2 - Loudspeaker noise in the internal waters of Fiordland

Rules 16.3.2 and 16.3.3

Encourage commercial operators to seek alternatives to loudspeaker systems in order to better reflect the natural character and low visitor generated noise values of Fiordland’s internal waters.

Explanation - Loudspeaker noise can adversely affect natural character and amenity values, particularly in areas with low background noise, such as on the sheltered waters of Fiordland. The Council will promote the use of codes of practice and other methods to reduce the effects of such noise.

Policy 16.3.3⁴ - Speed of ships in Hall Arm

Limit the speed of ships in the upper part of Hall Arm.

Explanation - Reducing the speed of ships also mitigates the adverse effects of movement, noise and wakes, all of which affect the tranquillity of Hall Arm. Some disturbance by wakes is inevitable but fast moving wakes are reflected further and take longer to dissipate. They also create more noise as they break and run up onto shore. While ordinarily such noise would not be significant, it is in a place such as Hall Arm. Reduced speed will also decrease the intrusive effect of movement on the tranquillity value of within Hall Arm. Such speeds are compatible with the peacefulness associated with tranquillity. It is considered reasonable that people who travel to any area to experience tranquillity values should also make an effort to maintain those values.

Rule 16.3.4

Policy 16.3.4 - Noise from over-flying aircraft

Encourage through processes outside of the Resource Management Act, aircraft operators to, wherever practicable, fly at heights and along flight paths that avoid noise impacts on people engaged in surface water activities.

Explanation - Section 12(5) of the Resource Management Act limits how the Act can be applied to over-flying aircraft. Application is limited to noise control in relation to the use of airports within the coastal marine area. Airports are “any defined area of land or water intended or designed to be used, whether wholly or in part, for the landing, departure, movement, or servicing of aircraft”.

See also Section 1.6

Policy 16.3.5 - Noise from commercial and non-commercial ships

Avoid, wherever practicable, or mitigate, the adverse effects of noise from commercial and non-commercial ships.

Explanation - In tranquil areas, the operation of commercial and non-commercial ships, including small craft, can impact substantially on natural character and amenity values, especially if they are operated more or less continuously in one area.

RULES

Rules 5.3.7 and 16.3.4

Rule 16.3.1 - Water-skiing, para-sailing or the use of personal water craft

Water-skiing, para-sailing or the use of personal water craft in all the internal waters of Fiordland is a prohibited activity.

Explanation - The internal waters of Fiordland have extremely high wilderness and remoteness values in addition to values of peacefulness and tranquillity. Personal water craft make a noise that many people find particularly irritating. For that reason, they are totally inappropriate in an area where silence is a very significant value. Water-skiing is a more or less continuous activity which is unacceptable in an area renowned for its silence and tranquillity. Para-sailing has similar effects to water skiing. Activities such as water skiing, para-sailing, or use of personal water craft are inappropriate in such areas.

⁴ Reference 1071/00 allowed modification of 16.2.6 and other references were otherwise dismissed – consent order 27 January 2003

Rule 16.3.2⁵ - Speed Limits in Hall Arm - Prohibited

The operation of any ship in Hall Arm southwest of the Narrows at more than 5 knots, is a prohibited activity.

Rule 16.3.3 - Speed Limits in Hall Arm – Permitted

Unless stated elsewhere, the operation of any ship in Hall Arm, southwest of the Narrows, at a speed less than or equal to 5 knots, is a permitted activity.

Explanation for Rules 16.3.2 and 16.3.3 - The southernmost 2.5 kilometres of Hall Arm contains the area within which the values of silence, tranquillity and sense of enclosure are at their greatest. Restricting the speed of ships in Hall Arm to no more than five knots in this reach will reduce noise, movement and wake effects from ships to an acceptable level.

For the purpose of Rules 16.3.2 and 16.3.3, the Narrows is that part of Hall Arm extending from the unnamed headland of approximately map reference NZMS B43 471086 to the unnamed headland of approximately map reference NZMS B43 474086.

Rule 16.3.4 - Noise Limits for Hall Arm

It is a permitted activity for any activity within the coastal marine area to generate noise in Hall Arm provided that the following noise limits are not exceeded, at the landward boundary of the coastal marine area:

- i between 7:00 a.m. and 10:00 p.m. the L10 noise level shall not exceed 40 dBA;
- ii between 10:00 p.m. and 7:00 a.m. the following day, the L10 noise level shall not exceed 30 dBA;
- iii between 10:00 p.m. and 7:00 a.m. the following day, the Lmax noise level shall not exceed 60 dBA.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 “Measurement of Sound” and NZS 6802:1991 “Assessment of Environmental Sound”.

Explanation - Noise levels can adversely affect other users of the coastal marine area. By setting the above noise limits, the rule provides certainty to the extent that noise can occur. More stringent limits have been set for Hall Arm to recognise the very low level of ambient noise that is a special quality of the area. In order to maintain this value, noise from activities within the arm must be managed.

OUTCOMES

The outcomes expected from adopting the objectives listed in Section 16.1 and the policies and rules listed in Section 16.3 are:

16.3.1 The low levels of ambient noise will be maintained.

16.3.2 Activities in Fiordland will occur in a manner that minimises noise impacts on ambient noise levels.

⁵ Reference 1071/00 allowed modification of 16.2.6 and other references were otherwise dismissed – consent order 27 January 2003

16.4 Deep Cove

Note: These provisions should be read in conjunction with Figures 16.4.1(a)-(f)

ISSUE

Issue 16.4.1 – The increasing frequency, scale and duration of activities on coastal waters within Deep Cove, Doubtful Sound has the potential to diminish the values that attract people to those waters

POLICIES

Policy 16.4.1 - Public area for launching ships

Identify and preserve an area suitable for general public use for the purpose of launching ships or temporarily berthing ships for the purpose of loading or off-loading people and cargo.

Explanation - The public are able to transport recreational ships from Lake Manapouri to Deep Cove via the Wilmot Pass Road. These ships are currently launched from the beach below the Deep Cove Hostel. This is the only area at Deep Cove where launching is possible. The availability of the beach for launching is therefore a significant recreational value.

Refer to Figure 16.4.1(a)

See also Section 5.5

Policy 16.4.2 - Public wharf area

Identify and preserve an area for temporarily berthing ships for the purpose of loading or off-loading people and cargo.

Explanation - It is neither possible nor an efficient use of space for all ships operating out of Deep Cove, whether they be tourist, fishing or recreational ships to have their own wharf facilities. These ships will therefore need to be moored or anchored. To facilitate safe and practicable transfer of people and cargo to these ships it would be useful to have access to a public wharf for such purposes.

The use of private wharves for such a purpose is a possibility but such use may either be unlawful or not practicable because they are designed for different types of ships, or unavailable because they are used by other ships. Therefore, it would be in the public interests to have a wharf available.

See also Section 5.5

Policy 16.4.3 - Preserve open space values

Preserve a vista of open space from the Deep Cove Hostel and the beach below.

Explanation - The open outlook from this beach, and the hostel above it, is a significant contributor to the landscape values and amenity values of the Deep Cove area. School children, kayakers, recreational boaties and casual visitors to Deep Cove would normally spend some time appreciating the outlook from either the beach or the Hostel. Both outlooks would be largely protected by

Policy 5.3.2

preserving the outlook from the beach. The establishment of moorings consistent with Policies 16.4.7, 16.4.8 and 16.4.10 will be in accordance with preserving the open space vistas from the Deep Cove Hostel and the beach below.

Policy 16.4.4 - Concentrate structures on western shore with limited structures at Helena Anchorage on eastern side

Generally concentrate structures in Deep Cove to the western shore south of Archer Point, with limited structures at Helena Anchorage on the eastern side of the Fiord within the area identified on Figure 16.4.1(e).

Explanation - Concentrating structures within Deep Cove to the western shore south of Archer Point will help preserve the natural character of the wider Deep Cove environment, although the natural character of this part of Deep Cove has already been affected by an existing road, buildings, wharves and mooring structures. Policy 16.4.10 guides the development of structures at Helena Anchorage, which is the other area that has been identified as suitable for a limited number of structures. Helena Anchorage is an anchorage area currently used by visiting ships, and limiting the presence of ships to that location, on the eastern side of the Fiord, will help preserve the natural character of the wider Deep Cove environment. Locating structures outside the identified area on the eastern side of the Fiord is seen as inappropriate as it will enable a sprawling effect to occur that will adversely impact the natural character of Deep Cove.

Refer to Figures 16.4.1(b)-(f)

See also Section 4.6

Policy 16.4.5 – revoked

Policy 16.4.6 - Mooring of commercial fishing and private ships

Maintain an area between the Meridian wharf and the first minor headland south of the wharf for the mooring of commercial fishing and private ships.

Explanation - The above area was historically used by commercial fishing ships while since the 1990s the area has been used by private recreational ships, most of which are ex fishing boats. The ships that currently utilise the area lie alongside a floating rope in a bow to stern, and, often, rafted up fashion, making efficient use of the space available. The use of Deep Cove as an anchorage mooring area for these ships needs to be recognised and provided for in the future.

Refer to Figures 16.4.1(a), (b) and (f)

See also Sections 11.7.7 – 11.8

Policy 16.4.7 - Mooring area for small ships

Keep the area in the bay below the hostel available for moorings for ships less than nine metres in overall length, while providing sufficient space for ships manoeuvring to and from the ship launching beach.

Explanation - This area has been identified as being suitable for mooring activity for ships less than nine metres in overall length. It is currently used in part as a dinghy/small ship mooring area by the Deep Cove Hostel. Being more sheltered and relatively small, it is more suited to small ship moorings than areas further to the east. Figures 16.4.1(c) and (f) indicate an additional mooring for up to a nine metre ship could be accommodated at this location to allow efficient use of the space in a manner consistent with Policy 16.4.3. Restricting the ship length to nine metres and allowing a continuation of the existing dinghy moorings is consistent with preserving open space vistas from the Deep Cove Hostel and the beach below.

Refer to Figures 16.4.1(a), (c) and (f)

See also Sections 11.7.7 – 11.8

Policy 16.4.8 - Mooring area for larger ships

Keep the bay located between the Deep Cove Hostel and the headland, of which Brassel Point is the eastern extremity, available for moorings for ships between nine metres and 20 metres in overall length.

Explanation - This area is suitable for moorings for larger ships, however, it could not be described as the preferred mooring in Deep Cove. Ships using moorings in this bay will be obscured or partially obscured from the hostel or the beach. Restricting the ship length up to a maximum of 20 metres in overall length in this area is consistent with preserving open space vista from the Deep Cove Hostel and the beach below.

Refer to Figures 16.4.1(a), (d) and (f)

See also Sections 11.7.7 – 11.8

Policy 16.4.9 - Advertising

Discourage advertising on ships and structures in Deep Cove.

Explanation - An apparent lack of commercialisation contributes to the naturalness of Deep Cove, even though many of the activities have a commercial basis. For the purposes of this policy, corporate fleet colours and ship names are not considered to be advertising. However, the display of advertising banners is seen as inappropriate for Deep Cove. The extent to which this type of advertising occurs on ships will be limited to a large extent by operators not wishing to be insensitive to the experience their customer's desire.

See also Section 5.1

Policy 16.4.10 – Moorings at Helena Anchorage

Provide for up to six moorings at Helena Anchorage within the area identified on Figure 16.4.1(e) for the non-permanent use of ships.

Explanation – Helena Anchorage is the geographical name given to the most sheltered and calmest location within Deep Cove and has historically been used as a mooring area for ships. Limiting the presence of ships to Helena Anchorage will help preserve the natural character of the wider Deep Cove environment. The area identified in Figures 16.4.1(e) and (f) is suitable for up to six permanent mooring structures for the purpose of non-permanent use of ships. Non-permanent use allows for the short-term mooring by ships that may visit Deep Cove regularly but which do not have a coastal permit for a wharf or mooring structure on the western shore and by ships that visit Deep Cove occasionally or for one-off stays. Such users may require an area to moor overnight or for the duration of their short-term stay. It is not intended that ships be permitted to use the Anchorage for permanent mooring or for extended stays.

The ships using the moorings at the eastern end of Helena Anchorage are in an area not visible from the Deep Cove Hostel and the beach below. The ships using the moorings at the western end of Helena Anchorage may be partially visible from the Deep Cove Hostel and the beach below from time to time depending on the direction of the current at the time. The use of these moorings in a manner provided for with this policy is consistent with preserving open space vistas from the Deep Cove Hostel and the beach below.

Refer to Figure 16.4.1(e) and (f)

See also Section 11.7.17

Policy 16.4.11 – Efficient development of mooring areas and berthage space in Deep Cove

- a **Encourage applicants seeking resource consent for mooring areas and/or berthage space in Deep Cove to develop proposals consistent with the preferred structure layout contained in Figures 16.4.1(b)-(f) to ensure that mooring areas and berthage space within the area is used efficiently and in a way that does not hinder the operation of adjacent wharves and moorings.**
- b **Prior to 31 December 2014, limit the allocation of mooring areas and berthage space to commercial surface water activities, commercial fishing ships and private ships that have used Deep Cove to moor, berth or anchor on or before 31 December 2010.**

Explanation – Mooring areas and berthage space in Deep Cove is limited and confined to two areas; the western shore and at Helena Anchorage. Development of wharf and mooring structures within these two identified areas requires efficient use of the coastal marine area. The limited space within the two identified areas means that applicants seeking unallocated mooring areas or berthage space should take into account the preferred structure layout (which identifies ship suitability with respect to the different wharves and moorings, including their possible locations) available in Deep Cove.

Unallocated mooring areas and berthage space needs to be managed to provide for existing ships that utilise the Deep Cove area so that mooring areas and berthage space can be secured for their ships while providing space for public short-term or visiting use. New long-term users of the area should only be considered for unallocated mooring areas and berthage space once the current level of use is realigned to provide for efficient use of the area. The long-term ships that utilised the area in late 2010 are known to Council and were listed as part of an investigation into utilising the area more efficiently for mooring areas and berthage space. Undertaking the mooring areas and berthage space realignment, and giving those known long-term users that require a consented wharf or mooring structure a priority to obtain a coastal permit by 31 December 2014 over new users that may wish to enter the area, will reduce the safety issues currently facing a number of current ships utilising the area. Allowing new ships to be able to establish mooring areas or berthage space in the area (except on a mooring at Helena Anchorage) would only put more pressure on the known long-term users of the area, increasing the risk to safety. Refer to Figures 16.4.1(b)-(f)
See also Policy 16.4.4

OUTCOMES

The outcomes expected from adopting the objectives listed in Section 16.1 and the policies listed in Section 16.4 are

- 16.4.1 An area that the public can use to launch ships, temporarily berth ships or offload people and cargo will be preserved in Deep Cove.**
- 16.4.2 The landscape, amenity and natural character values, that attract people to Deep Cove, will be maintained.**
- 16.4.3 Mooring opportunities will be rationalised, to reflect the limited capacity of Doubtful Sound.**

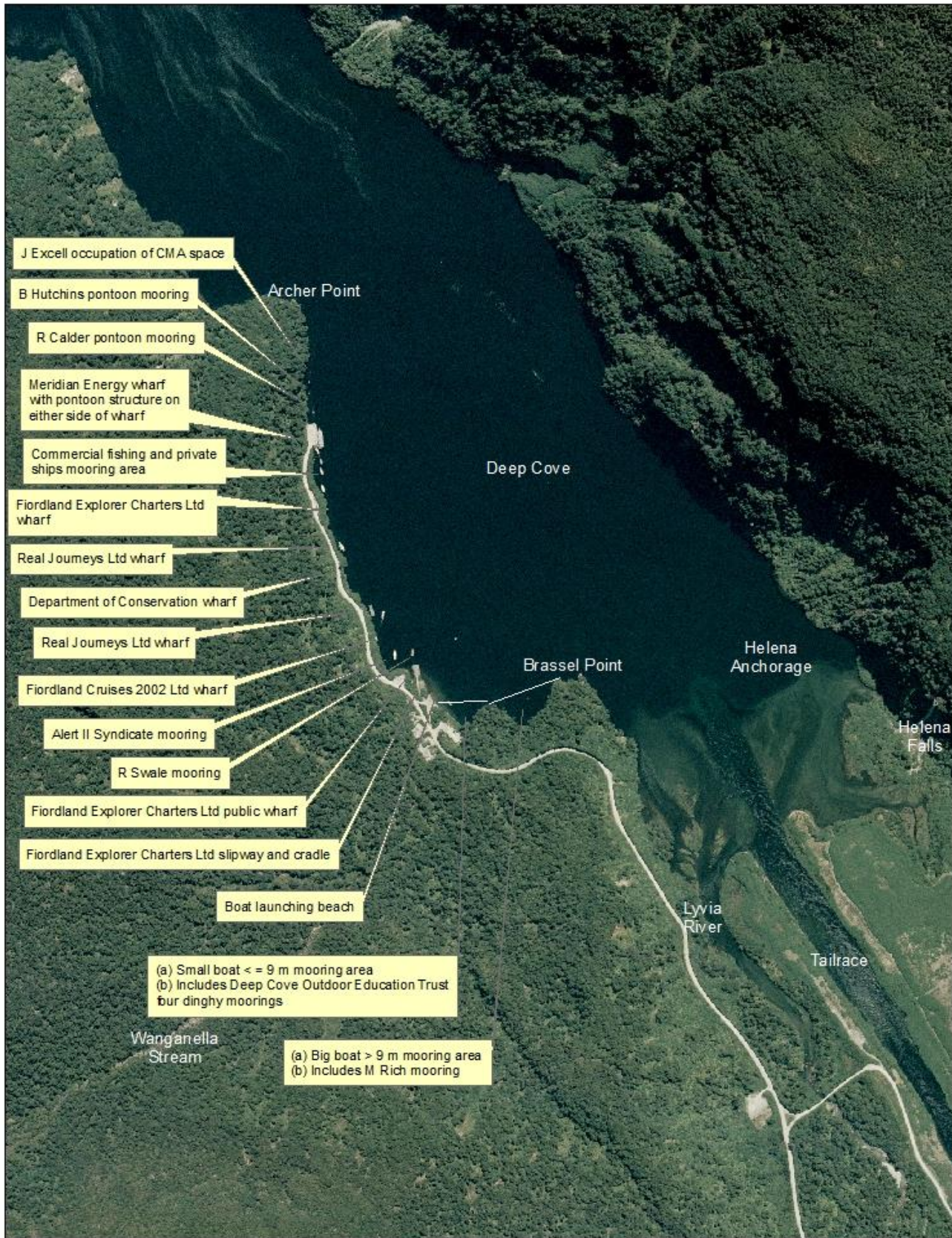
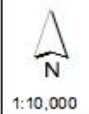
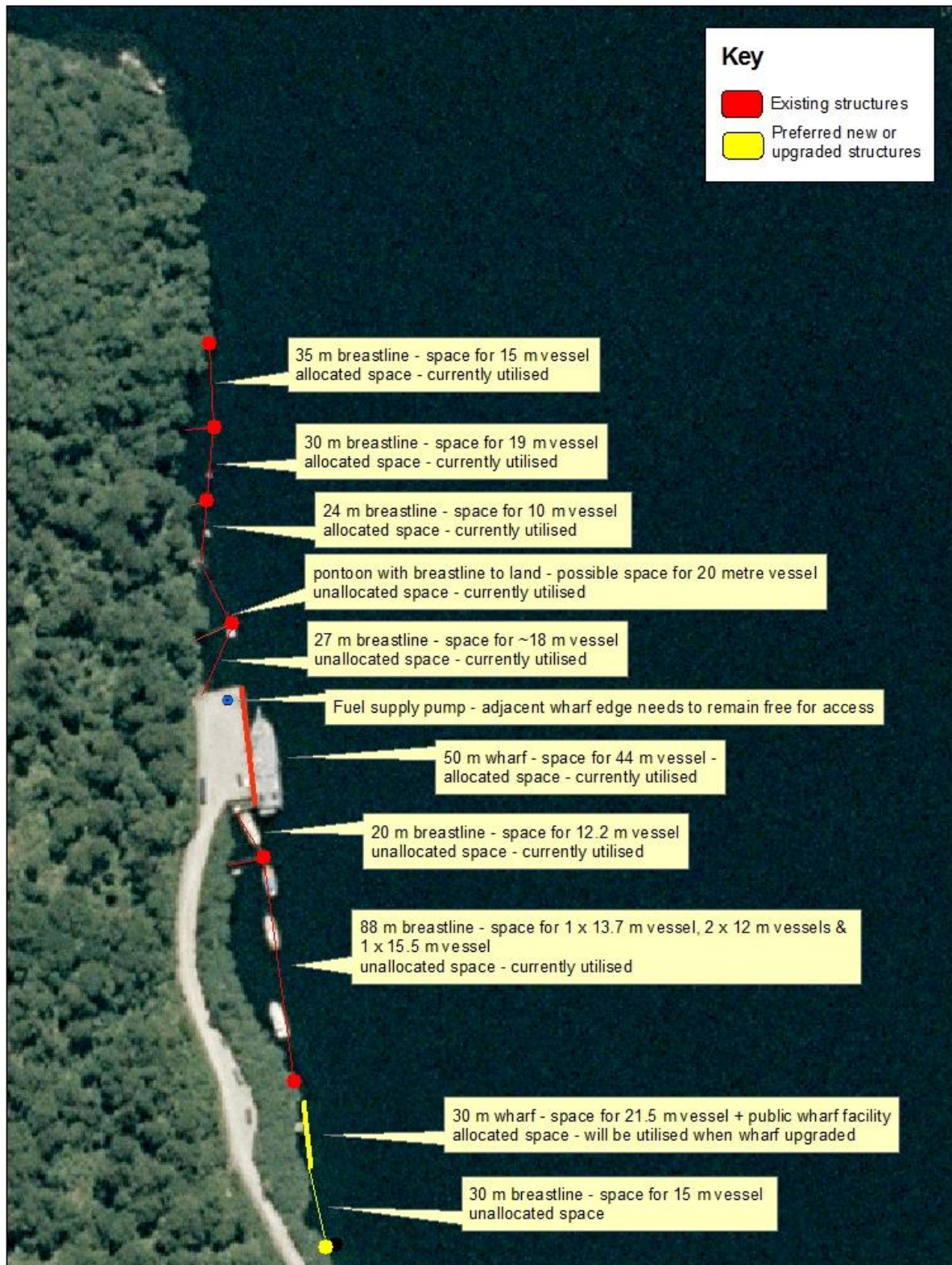


Figure 16.4.1(a)
Deep Cove, Doubtful Sound
 July 2012



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	<p>Figure 16.4.1(b) Deep Cove preferred structure layout July 2012</p>		<p><small>Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED. Aerial Photography dated 5/12/2007 to 14/03/2008. Copyright Terralink International Limited.</small></p> <p><small>DISCLAIMER: Environment Southland cannot guarantee that the information shown is 100% accurate and should not be reused in any manner without proper consultation.</small></p>
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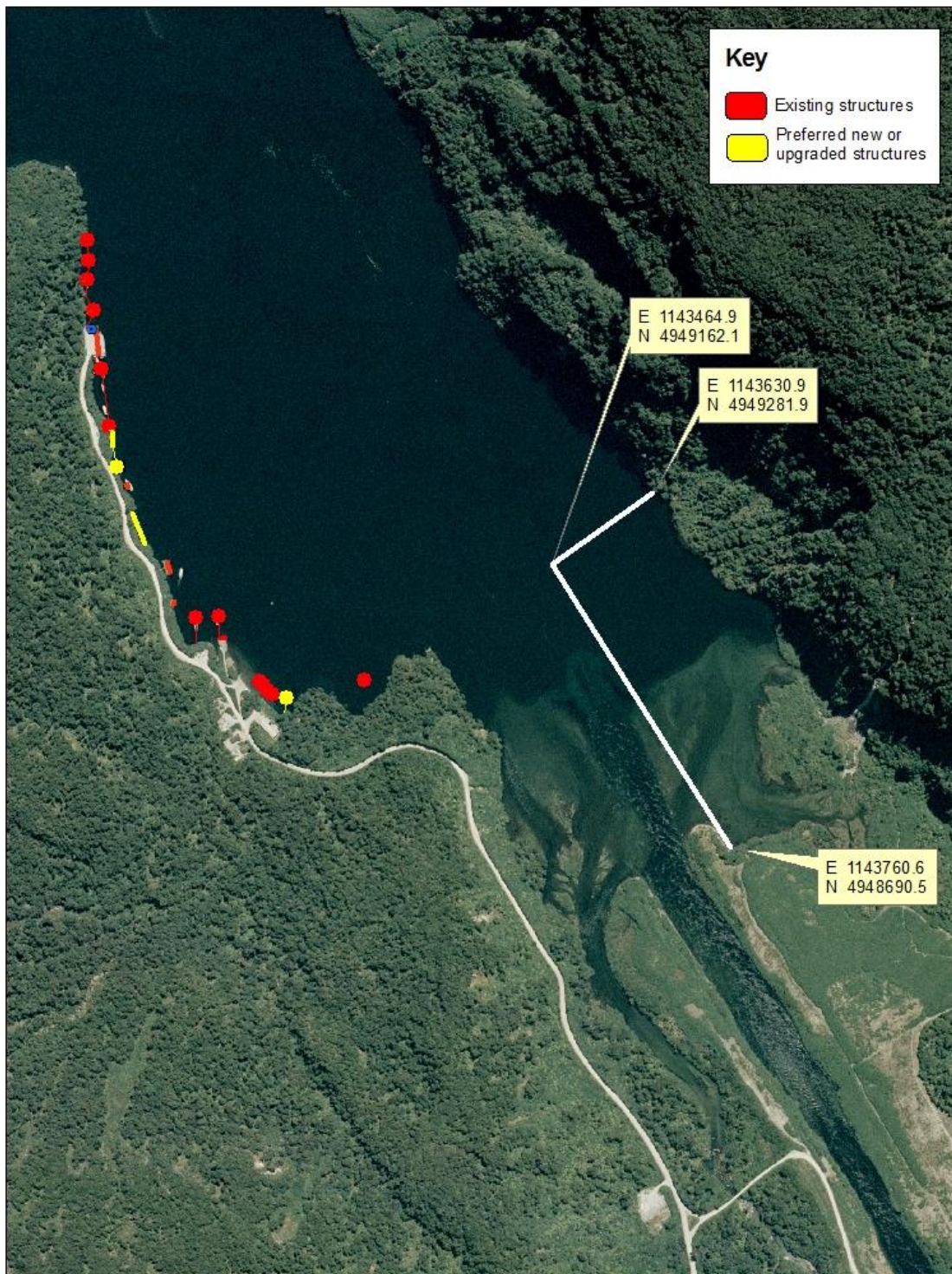


Figure 16.4.1(e)
Deep Cove preferred structure layout
September 2012



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Key

- Existing structures
- Preferred new or upgraded structures

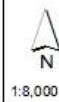
E 1143464.9
N 4949162.1

E 1143630.9
N 4949281.9

E 1143760.6
N 4948690.5



Figure 16.4.1(f)
Deep Cove preferred structure layout
September 2012



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17 FINANCIAL CONTRIBUTIONS AND BONDS¹

17.1 Introduction

Section 108 of the Resource Management Act states that a resource consent may include a condition requiring that a financial contribution be made by an applicant for purposes specified in regional plans, of an amount, determined in accordance with the plan. Financial contributions are not only considered in monetary terms (this is usually the last form of contribution sought). They also include land contributions. Contributions are transferred or paid to the regional council, or its appointed agent.

Section 108 also states that a resource consent may include a condition that a bond be given in respect of the performance of any conditions of the consent. Financial contributions and bonds will be considered on a case-by-case basis subject to consideration of a range of appropriate assessment matters.

ISSUES

Objective 17.1
Policies 10.4.4, 17.1, 17.2, 17.3,
17.4, 17.5, 17.6 17.7 and 17.8

Issue 17.1 - Some activities in the coastal marine area will have adverse effects which can not be appropriately avoided, remedied or mitigated but could be offset by financial contributions in the form of land or money

Objective 17.2
Policies 10.4.4, 17.1, 17.2, 17.3,
17.4, 17.5, 17.6, 17.7 and 17.8

Issue 17.2
1 Some activities are ceased without necessary remedial work being undertaken.
2 Visual amenity and public safety are adversely affected when structures are abandoned and allowed to become dilapidated

OBJECTIVES

Policies 10.4.4, 17.1, 17.2, 17.3,
17.4, 17.5, 17.6, 17.7 and 17.8

Objective 17.1 - Financial contributions

To secure financial contributions, in appropriate circumstances, for the purpose of offsetting the significant unavoidable adverse effects of certain activities on the coastal marine area.

Explanation - For some activities, it may be desirable that they be allowed to proceed even though in undertaking the activity it would be impossible to avoid, remedy or mitigate some adverse effects.

In such situations, it may be appropriate through the provision of a financial contribution, being land, or money or a combination thereof, to offset or replace lost or diminished values by enhancing some other similar resource within the coastal marine area.

Before using financial contributions, it will be necessary to first thoroughly examine the direct means of avoiding adverse, remedy or mitigating effects. Financial contributions should not be viewed as a means of buying consent. They are, however, a means of providing solutions in appropriate circumstances for the overall betterment of the coastal marine area. As such, they may enable some activities to proceed which would

¹ Section 17 changed by Environment Court Consent Order – Judge Jackson, 16 January 2003

have otherwise been declined on the grounds that their adverse effects would not be adequately avoided, remedied or mitigated.

The policies and methods, in this section of the plan, provide guidance for the fair and consistent application of financial contributions to activities occurring in the coastal marine area. It is not intended that financial contributions be used as a form of development levy which automatically applies to all development within the coastal marine area.

Objective 17.2 Remedy unlawful adverse effects

Policies 10.4.4, 17.1, 17.2, 17.3, 17.4, 17.5, 17.6, 17.7 and 17.8

To be in a position to remedy (without financial cost to the public) the unlawful adverse effects of activities, carried out in breach of the Coastal Plan or the conditions of any applicable resource consents.

Explanation - In some circumstances, non-compliance with conditions contained in a resource consent may result in failure by the applicant to remedy or mitigate adverse environmental effects and/or failure to remove equipment and structures. This is most likely to occur with activities of an experimental or exploratory nature, where markets may change and/or where there is some uncertainty as to the financial viability of the activity being undertaken.

In such situations, a financial security will provide the opportunity to remedy the adverse environmental effects without further cost to the public.

POLICIES

Policy 17.1 - Financial contributions not necessarily required

Recognise that there are circumstances where adverse effects on the environment must be avoided, and that in such circumstances a financial contribution cannot be used to offset these effects.

Explanation - Some features and values of the coastal marine area must be preserved and protected from adverse effects. In such situations, it will not be appropriate for the adverse effects on the environment to be offset through the application of a financial contribution.

Policy 3.2.2 of the New Zealand Coastal Policy Statement requires that the adverse effects 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.

Policy 17.2 - Use of financial contributions as a secondary measure

Only use financial contributions to offset the adverse effects of notified controlled, discretionary or non-complying activities after all means of avoiding, mitigating or remedying adverse effects have been addressed.

Explanation - Financial contributions should not be considered to be a soft option, part of the cost structure of a project or a means of buying consent. They are a means of compensating in some way for any significant unavoidable effects that remain after all avoidance, mitigation for remedial measures have been applied. They are very much a secondary process only to be applied after all avenues to avoid, mitigate, or remedy the adverse effects of an activity have been exhausted, and then only if the remaining adverse effects are acceptable. Therefore, financial contributions will not generally be required as conditions of resource consents. The process of applying financial contributions, will only be used where an application for resource consent is required and that application, in any event, has been publicly notified.

Policy 3.2.3 of the New Zealand Coastal Policy Statement states that plans should recognise the powers conferred by Section 108 to obtain environmental benefits which will (to a degree) offset environmental damage, by specifying purposes in their plans for which "financial contributions" can be sought, in cases where there will be unavoidable adverse effects from subdivision, use or development in the coastal environment.

Policy 17.3 - Financial contributions to be considered on a case-by-case basis

Determine the requirement for, and assess the actual quantum of, financial contributions on a case-by-case basis in the manner set out in Method 17.1.

Explanation – Method 17.1 sets out the circumstances when a financial contribution may be imposed, the manner in which the level of any contribution will be determined and the general purposes for which the contribution may be used. This provides criteria to assist in deciding the actual quantum of the financial contribution to be required. The amount payable will be determined in accordance with Method 17.1, rather than any arbitrary dollar amount or percentage of project value, neither of which may reasonably relate to the degree of adverse effects or the potential significance of the project.

It is anticipated that the circumstances when a financial contribution may be imposed, the manner in which the level of any contribution will be determined and the general purpose for which the contribution may be used will also take account of any positive effects arising from the proposed activity. Notwithstanding this, although public benefit is a positive factor in determining the need for, or quantum of, a financial contribution, the existence of considerable public benefit will not always mean that a particular effect or lost value should not be avoided, mitigated, remedied, offset or compensated for.

Policy 17.4 - Priorities for the application of financial contributions

In applying the provisions of Sections 108(2) and 108(10) where financial contributions are required, the Council shall have the following priorities:

- i land including esplanade reserves or strips;**
- ii money;**
- iii a combination of money and land.**

Explanation – Land is unlikely to be provided in the coastal marine area but adjacent or nearby land could be provided for access or habitat purposes.

Money is the least preferred form of financial contribution, but it may be an appropriate form of compensation to address the cumulative effects of minor singular activities which may create unavoidable adverse effects of lesser significance. It is a legal requirement that such funds are held in an identifiable account and are expended in a manner which will serve the purpose for which they were gathered.

The Council is not legally able to use financial contributions as a means of generating revenue.

Policy 17.5 - Use of financial contributions

Use financial contributions for the purposes set out in Method 17.1 with the aim of offsetting adverse effects arising as a consequence of, or in association with, the activity for which consent is granted.

Explanation – Where a financial contribution is required, it should be used to provide an additional benefit to the public, not one that should rightly be provided by the regional council or some other organisation as part of their responsibilities, for example, state of the environment monitoring and maintenance of facilities.

Policy 17.6 - Benefits for the affected community

Where practicable, to ensure that the benefits of any financial contribution are used to replace the value lost and applied as close as possible to the site where the adverse effects occur; and where this is not practicable, to identify people or communities most directly affected by the adverse effects and to try to ensure that they benefit from the positive environmental effects that result from the financial contribution.

Explanation - The benefits from a financial contribution will not always be able to be applied directly to the site where the adverse effects occur. This policy requires that, in such cases, the first priority is to apply the benefits to a nearby site and to create a positive effect which is similar to the value which has been adversely affected. If this is not possible, recognition needs to be given to those who are most directly affected by the adverse effects, so that the financial contribution can be applied for their benefit in particular. Some adverse effects will only directly affect a small number of individuals, while others may affect the whole regional community.

Policy 17.7 - Bonds as insurance

In appropriate circumstances, require resource consent holders to lodge bonds as insurance against the failure to remedy or mitigate adverse environmental effects and/or failure to remove equipment and structures.

Explanation - In the past, there have been instances where an activity has not continued for the duration of its consent and the consent holder has failed to remedy or mitigate any adverse effects it has caused. In most cases, this was because those undertaking the activity went bankrupt, or found that the activity was no longer financially viable, during the duration of the consent. In these cases, equipment and structures that needed to be removed were left on-site and adverse effects were not remedied or mitigated. This policy provides the opportunity to bond the consent holder to provide resources for the remediation of the site. The bond will either take the form of registered sureties or a refundable deposit against non-compliance with consent conditions.

Policy 17.8 - Need for and value of bonds

Determine the requirement for and assess the actual value of the bonds on a case-by-case basis in the manner set out in Method 17.2.

Explanation – Method 17.2 provides guidelines to assist in deciding whether there is a need for a bond and the amount of the bond. It should be remembered that if consent conditions are complied with, a deposited bond will be refunded and there will be no call on any surety.

Methods of Implementation

Method 17.1 - Circumstances, purposes and amount of financial contributions

Financial contributions may be imposed in the circumstances, and for the purposes set out below if, after all means of avoiding, mitigating or remedying adverse effects have been addressed, significant unavoidable adverse effects remain. Where a financial contribution is imposed, the amount of that contribution will be determined in the manner set out below.

17.1.1 Maintenance or improvement of public access to and along the coast

- i* **Circumstances** – Where public access to or along the coast or across the coastal marine area will be limited or prevented by the activity for which consent is granted.
- ii* **Purposes** – To offset such effects by providing for adequate public access to or along the coast or across the coastal marine area through or around the area to which the consent applies to appropriately compensate for the adverse effects on public access which would be caused by the proposed activity.
- iii* **Determination of amount** – The amount of the contribution will be determined by calculating the fair and reasonable costs inherent in the acquisition and vesting of land, or an interest in land (whether within the coastal marine area or not), to give effect to alternative public access to a reasonably equivalent standard necessary to compensate for access that will be lost or reduced, or shall comprise the vesting of sufficient land, or the vesting or creation of a sufficient interest in land, to compensate for access that will be lost or reduced due to the proposed activity.

17.1.2 Enhancement of recreational opportunities and/or amenities in the coastal marine area

- i* **Circumstances** – Where the activity for which consent is granted is likely to cause, or contribute to, adverse effects on existing recreational opportunities and/or amenities facilities in the coastal marine area.
- ii* **Purposes** – To offset such effects by contributing to the costs of, or providing, sufficient land, or a sufficient interest in land, for creating or improving recreational facilities on or in the vicinity of the site and/or at an alternative location in the same general locality or serving the same general community, to appropriately compensate for the adverse effects on existing recreational opportunities and/or amenities which would be caused by the proposed activity, or to contribute to the enhancement of public reserves to a sufficient extent to appropriately compensate for the adverse effects on existing recreational facilities which would be caused by the proposed activity.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating the fair and reasonable costs of providing sufficient land, or a sufficient interest in land (whether located in the coastal marine area or not), for creating or improving recreational facilities on or in the vicinity of the site, and/or at an alternative in the same general locality or serving the same general community to appropriately compensate for the adverse effects on existing recreational facilities which would be caused by the proposed activity or shall comprise of vesting of sufficient land, or the creation or vesting of a sufficient interest in land, to achieve these purposes. The amount of any contribution will reflect the cost of maintaining recreational amenity values at a reasonably equivalent level as if consent had not been granted, and/or to provide

alternative recreational amenities to a reasonably equivalent standard or extent to those which would be lost.

17.1.3 Planting or maintenance of coastal vegetation

- i* **Circumstances** – Where the activity for which consent is granted is likely to cause or contribute to destruction or damage of coastal vegetation, contribute to erosion of the foreshore or dunes, or adversely affect visual amenities due to the removal of coastal vegetation.
- ii* **Purposes** – To offset such effects by way of contributing to the costs of planting or maintaining vegetation (including native vegetation) in the general locality of the site for the purpose of protecting, restoring or enhancing the area to an extent appropriate to compensate for the adverse effects caused by the proposed activity.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating the fair and reasonable costs of planting or maintaining vegetation (including native vegetation) in the general locality of the site for the purpose of protecting, restoring and enhancing the area to an extent appropriate to compensate for the adverse effects caused by the proposed activity.

17.1.4 Landscaping or planting

- i* **Circumstances** – Where the activity for which consent is granted is likely to cause or contribute to adverse effects on visual amenities and/or involves land clearance or disturbance.
- ii* **Purposes** – To reduce the adverse effects of land clearance, land disturbance and structures in the coastal marine area by contributing to the costs of landscaping or replanting in the general locality of the site in question to an extent appropriate to compensate for adverse effects on visual amenities arising due to clearance or disturbance of land in the coastal marine area or the erection of new structures.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating the fair and reasonable costs of carrying out landscaping or replanting on land in the general locality of the site in question to an extent appropriate to compensate for the adverse effects on visual amenities arising due to clearance or disturbance of land in the coastal marine area or the erection of new structures.

17.1.5 Fencing or screening

- i* **Circumstances** – Where the activity for which consent is granted is likely to cause or contribute to adverse visual effects on heritage features or conservation areas.
- ii* **Purposes** – To offset the adverse visual effects by contributing to the costs of the fencing or screening of the heritage features or conservation areas.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating a fair and reasonable contribution to the costs of fencing or screening the heritage features or conservation areas to compensate for the adverse visual effects on them caused by the proposed activity.

17.1.6 Protection, maintenance or restoration of sites of historic or cultural importance

- i* **Circumstances** – Where the activity for which consent is granted will adversely affect a historic site, or one of cultural or spiritual significance to the Tangata Whenua.
- ii* **Purposes** – To offset such effects by contributing to the cost of the protection or restoration of that site and/or to offset such effects by contributing to the costs of the protection, or restoration of some alternative historic or cultural site within the coastal marine area in the same general locality.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating the fair and reasonable costs of protecting or restoring the site and/or by contributing to the costs of protecting or restoring some alternative historic or cultural site in the same general locality as the site to an extent appropriate to compensate for the adverse effects on the site caused by the proposed activity.

17.1.7 Protection, restoration or enhancement of seabed and foreshore

- i* **Circumstances** – Where the activity for which consent is granted is likely to cause or contribute to erosion of the seabed or foreshore.
- ii* **Purposes** – To offset the adverse effects of the activity by contributing to the costs of maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and foreshore protection, including contribution to such measures elsewhere in the same general locality.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating the fair and reasonable contribution to the costs of maintenance and planting of vegetation, sediment replenishment, erosion protection works, fencing, and/or foreshore protection appropriate to compensate for the adverse effects of the proposed activity on erosion of the seabed or foreshore.

17.1.8 Reduction of litter

- i* **Circumstances** - Where the activity for which consent is granted is likely to cause an increase in litter in the coastal marine area.
- ii* **Purpose** – To offset such effects by contributing to litter collection facilities, services and/or signage in the general area of the activity.
- iii* **Determination of amount** – The amount of contribution will be determined by calculating a fair and reasonable contribution to the costs of providing litter collection facilities, services and/or signage in the general area of the activity sufficient to compensate for the costs which would be incurred by the Council in dealing with the increase in litter likely to be caused by the proposed activity.

17.1.9 Protection or Restoration of Habitat of Significant Flora or Fauna

- i* **Circumstances** – Where the activity (including discharges) for which consent is granted is likely to cause or contribute to the destruction or damage of significant habitat of flora or fauna.
- ii* **Purpose** – To offset such effects by contributing to the costs of habitat restoration or an appropriate pest eradication or management programme in the coastal marine area in the general locality of the site to an extent appropriate to

compensate for the adverse effects caused by the proposed activity (including discharges).

- iii* **Determination of Amount** – The amount of contribution will be determined by calculating the fair and reasonable costs of creating a habitat restoration area or an appropriate pest eradication or management programme. (Note: the vesting of land for establishing a habitat restoration area within the coastal marine area may also be an option).

Method 17.2 Circumstances when bonds will be required and amount of bonds

Bonds may be required. Where a bond is required the amount of the bond will be determined in the manner set out below:

- i* **Circumstances** – Where failure to rehabilitate the site of the activity or failure to remove any equipment or structures would result in significant adverse effects;

where there is a reasonable probability that the proposed activity will fail within the consent time period; and/or

where the applicant has a history of non-compliance with consent conditions.

- ii* **Determination of amount** – The amount of any bond will be the estimated potential cost of site rehabilitation and/or removal of structures and equipment in the event of the failure of the consent holder to comply with consent conditions.

OUTCOME

The outcomes expected from adopting the objectives and policies and methods listed in Section 17 are:

- 17.8.1 Financial contributions are used to offset any significant unavoidable adverse effects of activities in the coastal marine area that cannot be avoided, remedied or mitigated.**
- 17.8.2 Bonds are used to remedy the unlawful adverse effects of activities for which resource consent has been granted without financial cost to the public.**

18 INFORMATION TO BE SUBMITTED WITH AN APPLICATION FOR A RESOURCE CONSENT (COASTAL PERMIT) AND ASSESSMENT MATTERS

18.1¹ Information

Note: A resource consent in the coastal marine area is called a coastal permit. Section 88 of the Resource Management Act stipulates the requirements for information that must accompany a resource consent application. One of those requirements is “any information required to be included in the application by a plan”. Section 67 of the Resource Management Act requires that a regional plan shall state the information to be submitted with an application for a resource consent.

The information to accompany an application “*shall be in such detail as corresponds with the scale and significance of the actual or potential effects that the activity may have on the environment*” [Section 88(6)(a)]. In other words, if the environmental effects are likely to be minor, either because the activity is of a minor nature or involves little disruption, then less detail will be required.

The purpose of Section 88 is to ensure that adequate information is provided by an applicant in order that the consent authority is in a position to make an informed decision with regard to the proposed activity.

In many instances, our knowledge of the ability of the coastal marine area to absorb uses and developments is limited. There will be limits on the extent and intensity of use and development that can be accommodated within parts of the coastal marine area, either because of the direct effects of some activities, or the cumulative effects of a number of identical or non-related uses, but in most instances it cannot be determined what those limits are. This does not mean that development and use should be limited altogether within the coastal marine area, but that:

- a activities located within the coastal marine area should be restricted to those that have a functional necessity or for which there is no practicable alternative location;
- b action should be taken to avoid, remedy or mitigate the adverse effects of those developments and uses; and
- c monitoring of both individual and collective developments and uses will be required to ensure that if unforeseen adverse effects arise, they are remedied or mitigated.

A precautionary approach is one that adopts prudent foresight, and involves the making of judgements based on existing knowledge and understanding as to whether use and development of parts of the coastal marine area are appropriate. Where the actual and potential effects of an activity are known, the precautionary principle does not apply. Where the effects are unknown or little understood the principle applies and the Council is required to avoid, remedy or mitigate any potential adverse effects. This differs from a cautious approach, where in the absence of full information, use and development is restricted. However, if the effects would be permanent, irreversible, or of a large scale, a cautious approach may be appropriate.

Policy 3.3.1 of the New Zealand Coastal Policy Statement notes that “*because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a*

¹ Changed by Environment Court Consent Order – Judge Jackson, 18 & 24 August 2004

precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood”.

Principle 12 of the New Zealand Coastal Policy Statement states that “*an approach which is precautionary but responsive to increased knowledge is required for coastal management*”. The reference to “responsive” highlights the need to provide for the recall and reconsideration of resource consent applications where monitoring indicates that adverse effects are arising (after Policy 13.27; Regional Policy Statement for Southland).

The Council will take this information into account when assessing a resource consent application, unless the Council has specifically stated assessment matters in a particular rule. Therefore, this section aids the applicant, submitter, Council staff and Council, in that it provides more certainty as to what factors will be taken into account in assessing an application.

18.2 Effects

For the purpose of the following information requirements, the word “effect” shall have the meaning given to it by Section 3 of the Resource Management Act.

Section 3 states:

“In this Act, unless the context otherwise requires, the term “effect”... includes -

- (a) Any positive or adverse effect; and*
- (b) Any temporary or permanent effect; and*
- (c) Any past, present, or future effect; and*
- (d) Any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect, and also includes -*
- (e) Any potential effect of high probability; and*
- (f) Any potential effect of low probability which has a high potential impact”*

18.3 Fourth Schedule

An application for a resource consent for an activity must include an assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

That assessment must be prepared in accordance with the Fourth Schedule of the Resource Management Act 1991 (see below). The assessment of effects accompanying a resource consent application shall be in such detail as corresponds with the scale and the significance of the actual and potential effects that the activity may have on the environment.

FOURTH SCHEDULE

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Cls 1. Matters that should be included in an assessment of effects on the environment -

Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88(6)(b) should include-

- a a description of the proposal;*
- b where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;*
- c . repealed by Section 225 Resource Management Amendment Act 1993;*
- d an assessment of the actual or potential effect on the environment of the proposed activity;*
- e where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use;*
- f where the activity includes the discharge of any contaminant, a description of-*
 - i the nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and*
 - ii any possible alternative methods of discharge, including discharge into any other receiving environment;*

- g a description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;*
- b an identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted;*
- i where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.*

Cls 2. Matters that should be considered when preparing an assessment of effects on the environment-

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- a any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects;
- b any physical effect on the locality, including any landscape and visual effects;
- c any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
- d any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations;
- e any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants;
- f any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.

18.4 General Information Required in all Applications (where applicable)

Sections 88(4)(c) and 88 (7), and the Fourth Schedule to the Resource Management Act 1991, require certain information to be submitted with any application for a resource consent. In addition, the Southland Regional Council shall also require the following information to be submitted with any application for a resource consent. Any repetition of information required by the Fourth Schedule is for the purposes of clarity and certainty.

- 1 The name of the applicant and the name of the owner or occupier if different.
- 2 The address and contact telephone or fax number of the applicant, owner or occupier.
- 3 A description of the purpose of the proposed activity and the reasons why the activity needs to be undertaken in the coastal marine area.
- 4 The location of the proposed activity together with a plan, showing its site, (where appropriate the site should be shown on a hydrographic chart), a site plan including engineering drawings and design criteria legal description, and relevant map references.
- 5 The size of the area required by the proposed activity, in hectares or square metres. Justification for the extent of area required for exclusive use.
- 6 The results of consultation with the tangata whenua including whether or not there are any issues including wahi tapu, wahi taoka, mahika kai, tauraka waka and customary use of water by Ngai Tahu (include names of those people consulted). Include a statement of whether the New Zealand Archaeological Association Southland Filekeeper had records of silent files in the vicinity of the proposed activity.
- 7 The extent of consultation undertaken (with adjacent landowners, Council staff, local community and interest groups etc.) and the outcome of that consultation.

- 8 The intended timing, frequency and duration of the proposed activity. For developments that will take longer than one year to implement, a programme showing the areas that will be occupied and a timetable for occupation.
- 9 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates and whether or not the applicant has applied for, or obtained such consents.
- 10 A description of current uses of the area where it is proposed that the activity will occur. This includes commercial and recreational uses and who the users are.
- 11 A description of the use of the area adjacent to where the activity will occur.
- 12 If there are any potential significant adverse effects, a description of possible alternative locations or methods for undertaking the activity and the reasons for making the proposed choice.
- 13 The way in which adverse effects will be avoided, remedied or mitigated including how any waste is to be disposed of (hazardous and non-hazardous). Refer to Section 18.9 for additional information requirements.
- 14 A description of the effects on people and communities and their economic well-being.
- 15 A description of the extent to which the activity will affect the:
- amenity values;
 - intrinsic values;
 - historic values;
 - landscape values; and
 - the natural character of the coastal marine area.
- 16 A description of the extent to which noise is likely to be generated by the proposed activity within the coastal marine area. Where the proposed activity involves the generation or noise, see Section 18.11 for additional information requirements.
- 17 A description of the extent to which any species, communities or habitats of indigenous vegetation and fauna will be affected by the proposed activity. This should include reference to the proximity of marine reserves and the Identification of any areas likely to be affected that contain habitats of species important to commercial, recreational, traditional or cultural purposes.
- 18 A description of any planting involved in the proposed activity, including the scientific name of the plant, the source of any indigenous plants (whether local genetic stock), the area to be planted in hectares or square metres. If the plant material is exotic, or is non-local genetic stock of native species, the applicant should also refer to Section 18.9.
- 19 A description of the anticipated effect of the proposed activity on public access to and along the coastal marine area, including a description of:
- a the degree to which occupation of the coastal marine area is required for the proposed activity and the extent to which members of the public would be excluded or restricted from the area, this includes any effects on anchorages, wharves, moorings and safe havens, recreation, including sailing and boating activities; and
 - b where existing public access would be excluded or restricted as a result of the proposed activity, a description of the methods, if any, proposed to bring about improved access elsewhere;
 - c why a restriction on any public access is necessary.

- 20 A description of the extent to which the proposed activity involves the taking, use, damming or diversion of coastal water. Where the proposed activity involves any taking, use, damming or diversion of coastal water, see Section 18.10 for additional information requirements.
- 21 A description of the extent to which the proposed activity will result in the alteration of the foreshore or seabed including any:
- a reclamation; or
 - b removal of sand, shingle, shell or other natural material; or
 - c disturbance of the foreshore and seabed including dredging, drilling, excavating and tunnelling; or
 - d deposition or burial of natural material.

Where the proposed activity involves any alteration of the foreshore or seabed, see Section 18.6 for additional information requirements.

- 22 A description of the extent to which the proposed activity will involve any use or alteration of any structure, including any:
- a erection or placement; or
 - b extension, alteration, replacement or reconstruction; or
 - c demolition or removal; or
 - d any change in colour

Where the proposed activity involves structures, see Section 18.5 for additional information requirements.

- 23 A description of the extent to which the proposed activity will affect and be affected by coastal processes occurring in the area, for example, wind, sea level rise, storm surge, storm frequency, tsunamis, tides, currents, land subsidence etc.
- 24 A description of the effect of the activity on navigation safety and the extent to which navigation safety issues have been addressed. This would include a description of how the activity is identifiable by ships using the area e.g. lights, buoys.
- 25 Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom. Wherever possible, a control site should be studied and monitored in the same manner as the site that will host the activity. Failing that, sufficient baseline monitoring undertaken to enable adverse effects to be determined.
- 26 Where appropriate, applications should include a description of any restoration or rehabilitation proposed
- 27 Whether or not the reclamation is in an area that is registered as an archaeological site in the coastal marine area (refer to Appendix 8) or is in reasonable proximity to such a site, or to a silent file, or to other visible historic material in the coastal marine area, or where there is reasonable evidence to suggest that the site has archaeological or heritage values.
- 28 Any adverse effects on public safety and means by which these will be avoided, remedied or mitigated.
- 29 Where an activity is proposed within the internal waters of Fiordland, or adjoining the open waters of Fiordland, a description of the relevant provisions of the Fiordland National Park Management Plan and the extent to which the activity will affect those provisions.

18.5 Structures

18.5.1 Placement or Modification

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the:

- a erection or placement; or
 - b extension, alteration, replacement or reconstruction of a structure;
- then the following information shall also be supplied:

- 1 a description of the structures' dimensions, the number of structures involved and the colour of the structure;
- 2 whether or not the structure (proposed for modification) or any proposed site for a new structure is registered as an archaeological site in the coastal marine area (refer to Appendix 8);
- 3 a description of the proposed method of construction including:
 - a the material to be used to erect or place, or extend, alter, replace or reconstruct the structure; and
 - b the equipment to be used; and
 - c a construction plan; and
 - d anchoring and tethering systems; and
 - e design life of structures;
- 4 an assessment of the visual effect of the erection or placement, or extension, alteration, replacement or reconstruction of the structure on the existing character of the area;
- 5 an assessment of the likely effect of the erection or placement, or extension, alteration, replacement or reconstruction of the structure on any natural physical coastal processes operating in the area;
- 6 an assessment of the need for a permanent structure rather than a temporary one;
- 7 a description of any hazardous substances, chemicals or other potential contaminants to be used or stored on or within the structure.

See also Section 7.3

18.5.2 New Ports or Marinas

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4 where the proposed activity involves the construction of new ports or marinas then the following information shall also be supplied.

- 1 details of facilities that will be provided:
 - a to collect sewage from boats;
 - b for rubbish disposal;
 - c for disposal of residues from ship maintenance.

18.5.3 Demolition or Removal

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTIONS 18.4 and 18.5, where the proposed activity involves the demolition or removal of a structure, the following information will also be required:

- 1 a description of the structure, including materials, to be removed including a description of its former purpose, use and age and whether the structure has any archaeological significance;

- 2 evidence that the existing authorised owner of the structure, if known, has given their approval to the demolition and removal;
- 3 a description of the extent to which all or part of the structure is to be demolished or removed;
- 4 a description of the methods to be used to remove the structure and the anticipated disturbance of the foreshore or seabed resulting from that removal;
- 5 a description of how the materials from the structure will be disposed of;
- 6 an assessment of the likely effect of the removal of the structure on any natural physical coastal processes operating in the area.

18.6 Alteration of the Foreshore and Seabed

18.6.1 Reclamation

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the reclamation of the foreshore or seabed, the following information will be required:

- 1 a description of the purpose and the reasons for the reclamation and the uses to which it will be put;
- 2 an assessment of alternatives, including increased use of existing facilities through:
 - a changing of operational practices or methods; or
 - b upgrading of berths; or
 - c relocating activities that do not require a site in or adjacent to the coastal marine area; and
 - d the reasons why a reclamation is required in the location chosen and the use it will be put to;
- 3 a description of the proposed method of construction including:
 - a the material to be used in the reclamation; and
 - b the equipment to be used;
- 4 a description of the existing environment, including:
 - a a physical description; and
 - b the hydrology and sediment regime including modelling of sediments and currents; and
 - c the water quality; and
 - d the ecosystems; and
 - e current uses (for example, recreation, amenity, etc.);

18.6.2 Removal

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the removal of sand, shingle, shell or other natural material, the following information will be required:

- 1 a description of the composition of the material to be removed;
- 2 a description of the proposed use of the sand, shingle, shell or other natural material;
- 3 the volume of material proposed to be removed, in terms of a total annual volume, and in terms of daily amounts (where applicable);
- 4 a description of the period over which the removal will occur, and the frequency of removal in any 12 month period;

- 5 a description of the methods to be used to remove the material;
- 6 an assessment of alternatives that have been considered to the proposed removal and the reasons why the removal is required from the location chosen;
- 7 where changes could occur to sediment systems, an assessment of the overall sediment system including sediment budgets for the area;
- 8 a description of any previous removal of any sand, shingle, shell or other natural material from the area, including the period of removal and volumes removed (if known);
- 9 identification of any area susceptible to erosion and/or wave overtopping and the potential effects of the erosion/wave overtopping. This should include a description of ecosystems and activities behind the area likely to be eroded or overtopped.

18.6.3 Disturbance

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the disturbance of the foreshore or seabed, the following information will also be required:

- 1 the reasons for the proposed disturbance;
- 2 the scale, timing and scope of the proposed disturbance;
- 3 the location of any “plant” when not in use or unable to be used because of tide height.

See also Section 20

18.6.4 Deposition

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the deposition of any sand, shingle, shell or other natural material into the coastal marine area, the following information will also be required:

- 1 an assessment of alternatives that have been considered to the proposed deposition and the reasons why the deposition is required in the location chosen;
- 2 a description of the receiving environment including:
 - a hydrology and sediment movement (for example, effects of currents including current speed on the seafloor, tides and wind on horizontal transport and vertical mixing; and topography); and
 - b composition of the substrate; and
 - c bottom characteristics (for example sediment types, topography including reef systems, geochemical and geological and geomorphic characteristics and biological productivity); and
 - d water characteristics (for example temperature, pH, salinity, stratification and current movements); and
 - e the ecosystems within the area including details of vegetation and fauna present and community composition including diversity and abundance of species, as well as the relationship of these ecosystems to the local, regional or national context; and
 - f information regarding any unique species, habitats and community compositions in the area of deposition. This involves identification of whether species or assemblages are locally endemic, ecologically rare and what contribution these communities or species have to the functioning of ecosystems; and

- g information regarding lifecycles, current status of habitats and sensitivities of vegetation and fauna, the possible importance of the area for nursery purposes and any known linkages with other parts of the marine ecosystem; and
 - h effects of current uses of the receiving environment, including the existence and effects of other deposition in the area (for example heavy metal background reading);
- 3 a description of:
 - a the material proposed to be deposited including both composition and form (for example, solid, sludge, etc.); and
 - b the volume and frequency of material to be deposited; and
 - c the methods to be used to deposit the material;
 - 4 an analysis of the material to be deposited including:
 - a the chemical and biochemical properties of the material proposed to be deposited (for example, oxygen demand, metals, nutrients) and, in particular, the level of contamination, if any, of that material; and
 - b the biological properties (for example, presence of viruses, bacteria, yeasts, parasites); and
 - c the grain size distribution and other physical characteristics of the material proposed to be deposited, and the similarity, or otherwise of that material to the area where the material is proposed to be deposited (for example, solubility and density); and
 - d the toxicity of the substance and its components; and
 - e the persistence of the substance: physical, chemical and biological; and
 - f the possibility of accumulation and chemical or biotransformation in biological materials or sediments; and
 - g the susceptibility of the substance to physical, chemical, and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials; and
 - h the probability of production of taints or other changes reducing marketability of resources (for example, fish, shellfish etc.);
 - 5 an analysis of the effects of the material on the environment;
 - 6 methods of packaging and containment, if any;
 - 7 possible effects on amenities and on other uses of the area (for example, presence of floating or stranded material, turbidity);
 - 8 details of how the effects of the deposition will be monitored and by whom.

18.7 Discharges

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the discharge of contaminants or water into the coastal marine area, the following information will be required:

- 1 a description of the nature, volume, contents and frequency or rate of the proposed discharge, including, where relevant:
 - a a description of the chemical composition, as well as any identified chemical and biochemical properties (for example, oxygen demand, nutrients);
 - b contaminant loading and concentration including toxicity;
 - c presence and levels of faecal coliforms and/or enterococci;
 - d form of the discharge (for example, solid, sludge, liquid, or gaseous);
 - e a description of the physical properties (for example, solubility and density);
 - f biological properties (for example, presence of viruses, bacteria, yeasts, parasites);
 - g persistence: physical, chemical and biological;

- h probability of accumulation and biotransformation in biological materials or sediments;
 - i susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic materials;
 - j probability of production of taints or other changes reducing the marketability of resources (for example, fish, shellfish etc.);
 - k total volume of the discharge as well as the volume of solid matter in the discharge (in the case of solid matter, the applicant should also have regard to the type of information required for deposition);
 - l probability of the introduction of exotic vegetation and/or fauna by way of hull attachment;
- 2 a description of the treatment,(including site of treatment) if any, of the contaminant or water prior to the proposed discharge;
- 3 a description of the receiving area where the proposed discharge is to occur for example:
- a relevant characteristics of the receiving waters, for example:
 - temperature;
 - ambient water colour;
 - pH;
 - salinity;
 - stratification;
 - chemical oxygen demand (COD);
 - biochemical oxygen demand (BOD) - nitrogen present in organic and inorganic form (including ammonia);
 - suspended matter;
 - other nutrients;
 - b initial dilution achieved by proposed method of release;
 - c dispersal characteristics (for example, effects of currents, tides and wind on horizontal transport and vertical mixing);
- 4 an assessment of the waterbody's capacity to cope with stress (physical/chemical/biological/ and combinations thereof), including where relevant:
- a the rate of flow of the effluent/discharge;
 - b volume of water into which the effluent/discharge is being dispersed;
 - c tidal regime of the waterbody;
 - d the buoyancy of the effluent;
 - e whether the discharge is a submerged or a shoreline outfall, the depth at which the effluent is discharged, and whether a diffuser is present or absent;
 - f the dispersion characteristics of the effluent in terms of where it goes and how it moves;
 - g seasonal variation of the receiving water;
- 5 an assessment of the effects of the discharge's individual components as well as an assessment of effects where one or more chemicals may be combined. Assessment of effects should consider effects on fauna, vegetation and water quality;
- 6 an assessment of the current uses and potential uses of the proposed area of discharge and the anticipated effects of the discharge on those uses as well as the effects on amenities including the presence of floating material, turbidity etc. This would include whether or not anything edible occurs in the receiving area and the impact of the discharge on those edible organisms;

- 7 an assessment of alternatives, including alternative receiving environments outside of the coastal marine area, that have been considered to the proposed discharge and the reasons why the discharge is required in the location chosen;
- 8 details of how the effects of the discharge will be monitored and by whom.

18.7.1 Additional Information Requirements Concerning the Application of Pesticides

IN ADDITION TO THE INFORMATION REQUIREMENTS OF 18.4 and 18.7, any application of pesticides would need to provide information concerning:

- 1 why the use of pesticides is necessary;
- 2 the target of the application and the environmental effects of the product to be used, including:
 - a toxicity to non-target fauna including vertebrates and non-vertebrates present in the coastal marine environment;
 - b the half life of the product in the coastal marine environment;
 - c the toxicity of the breakdown product to non-target fauna including vertebrates and non-vertebrates in the coastal marine environment;
 - d possible impacts on non-target vegetation.

18.8 Discharge to Air

IN ADDITION TO THE INFORMATION REQUIREMENTS OF SECTION 18.4 and the Fourth Schedule of the Resource Management Act, the following information is required for consent applications that involve discharges to air:

- 1 the nature of the contaminant, including its chemical composition, and the effects of that contaminant on the environment;
- 2 the method of emission and action that may be taken to avoid, remedy or mitigate the emission;
- 3 the quantity of contaminant that may be discharged into the air during transfer;
- 4 a calculation of concentrations of contaminants at ground level, where applicable;
- 5 the toxicity of the discharge, including an analysis of possible biological, chemical and physical changes that could occur to the areas adversely affected by the discharge;
- 7 hours of operation and duration during which contaminants may be discharged to the air;
- 7 a description of how any source emissions and environmental effects will be monitored and by whom;
- 8 results of any monitoring for background levels of contaminants in the environment prior to the establishment of the process;
- 9 Description of odorous compounds emitted where applicable, in terms of odour units per cubic metre.

18.9 Storage and Use of Hazardous Substances and Hazardous Wastes

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the storage or use of any hazardous substance or waste within the coastal marine area, the following information will also be required:

- 1 a description of the hazardous substance or hazardous waste proposed to be stored or used;
- 2 an assessment of alternatives that have been considered to the proposed storage or use of the hazardous substance or hazardous waste and the reasons why the storage or use is required in the coastal marine area;
- 3 a description of methods proposed to contain the hazardous substances or hazardous wastes in the event of spillage, fire or explosions;
- 4 the period for which the material is to be stored, whether temporary, intermittent or permanent.

18.10 Taking, Use, Damming or Diversion

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves the taking, use, damming or diversion of coastal water within the coastal marine area, the following information will be required:

- 1 in the case of taking, a description of the volume of the proposed take and an assessment of the need for the take from the coastal marine area;
- 2 in the case of damming or diversion, a description of the proposed damming or diversion and an assessment of the need for the damming or diversion within the coastal marine area;
- 3 an assessment of the nature and extent of any natural inflows into the area of the proposed take, damming or diversion and the degree of tidal flushing with the open coast;
- 4 impact of taking, use, damming or diversion on sediment types and patterns;
- 5 in the case of damming or diversion, an assessment of the effect of the activity on habitat values including fish passage and waders;
- 6 effect of any diversion of freshwater on marine habitats including circulation patterns and conation patterns;
- 7 where river, stream or lagoons require unblocking, an assessment of both opening and diverting is undertaken and where diverting is applied for, justification is provided for selecting this option over opening.

18.11 Noise

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.2, where the proposed activity involves the generation or emission of noise within the coastal marine area, the following information will be required:

- 1 an analysis of the anticipated level of noise;

- 2 an analysis of background noise levels. A distinction needs to be made between natural noise and human induced noise;
- 3 a description of the timing, frequency and duration of any noise emission.

18.12 Exotic Plants/Animals

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves in the introduction of any exotic plant/animal not presently found in the proposed area of the coastal marine area, the following information will be required:

- 1 the name of the plant/animal, or plants/animals proposed to be introduced and the proposed methods to be used to introduce the plant/animal;
- 2 the purpose for introducing the plant/animal or plants/animals;
- 3 a description of whether the plant/animal or plants/animals is already resident in the area of the proposed introduction;
- 4 a description of the existing vegetation and fauna in the proposed area and an assessment of the likely impact of the introduction of the plant/animal or plants/animals on the existing vegetation and/or fauna which use the existing vegetation and fauna;
- 5 a description of:
 - the life history of the organism to be introduced;
 - the type of habitats the organism can live in including its preferences and ranges;
 - method of reproduction and its ability to spread from the site of release;
 - how the organism is to be controlled, contained or eradicated if there is unintentional spread from the release site.

18.13 Occupation

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves occupation of any part of the coastal marine area, the following additional information shall be provided:

- the effect of the occupation on navigation safety;
- the method proposed for storage and disposal of human sewage;
- the method proposed for storage and disposal of rubbish;
- alternatives to occupation of the proposed site in the coastal marine area, including adjacent land.

The applicant may also need to refer to the information requirements of Section 18.5 - Structures.

18.14 Commercial Surface Water Activities

IN ADDITION TO THE GENERAL INFORMATION REQUIRED BY SECTION 18.4, where the proposed activity involves commercial surface water activity within the coastal marine area, the following information will be required:

- 1 a description of the type of vessel to be used and, where practical, a photograph of the vessel;
- 2 the dimension and gross tonnage of the vessel;
- 3 the number of passengers and crew;
- 4 a description of the proposed area of operation, including frequency and length of trips, and time of year;

- 5 a description of associated activities to be undertaken, for example, kayaking, diving, hunting etc;
- 6 the method proposed for storage and disposal of rubbish;
- 7 the use of proposed or existing infrastructure;
- 8 mooring arrangements;
- 9 the effects of boat wakes and noise;
- 10 any effects on habitats of significant indigenous flora or fauna.

18.15 Provision of Further Information

Pursuant to Section 92 of the Resource Management Act, a consent authority may, at any reasonable time before the hearing of a resource consent application, by written notice to an applicant for a resource consent, require the applicant to provide further information relating to the application. Due to the variable nature and site specific aspects of activities within the coastal marine area, it is difficult to define all of the required information until closer investigation of a specific application has been conducted. The applicant may be required to supply further information, pursuant to Section 92, in cases where additional information is necessary to enable the Council to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or the ways in which any adverse effects may be mitigated.

19 TERMS AND CONDITIONS OF CONSENTS

19.1 Introduction

Under Section 67 of the Resource Management Act 1991, it is necessary state the information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used. This section seeks to highlight matters Council will consider by way of conditions should an application be approved, as a guide to applicants and submitters. Not all of the matters listed, however, will apply in every case.

19.2 General

19.2.1 Resource Management Act 1991

The consent will be subject to all relevant provisions of the Resource Management Act 1991, its amendments, and any regulations made thereunder. It is the obligation of the consent holder to comply with all the statutory requirements relating to the exercise thereof.

19.2.2 Annual Charges

An annual charge, set in accordance with Section 36(2) of the Resource Management Act 1991, shall be paid to the Southland Regional Council for carrying out its functions in relation to the administration, monitoring and supervision of the activity, and for carrying out its functions under Section 35 (duty to gather information, monitor and keep records) of the Act.

19.2.3 Fees, Rents and Royalties

In consideration of the right to occupy land of the Crown for the activity specified above, the consent holder shall pay [in accordance with the Resource Management Act (Transitional Fees, Rents and Royalties) Regulations 1992] to the Southland Regional Council (referred to as “the Council”) an amount per annum (set by the Regulations), in advance, payable on the 1st day of July each year (this rental is collected on behalf of the Crown).

19.2.4 Inspections and Measurements

The Southland Regional Council, or its servants, or its agents, is permitted access at all reasonable times for the purpose of carrying out inspections or measurements.

19.2.5 Monitoring

If appropriate, a requirement to monitor and supply results to the Southland Regional Council will be specified as a condition of a resource consent.

Matters that could require monitoring include, but are not limited to, the following:

- dune, beach, and offshore profiles;
- water quality;
- discharge of contaminants;
- sedimentation;
- rate and type of deposition material;
- ecosystems (for example, the composition of the benthic community, particularly the introduction or loss of species since the activity commenced).

19.2.6 Responsibility for Damage/Liability

Where any damage occurs to either the natural environment, other property, or people, as a result of poor maintenance or neglect in the use of a structure, the owner shall be responsible for any damage that occurs and repair thereof.

19.2.7 Responsibility for the Removal of Structures

Where a structure has a limited life, or for any other reason ceases to be operated or utilised, it shall be removed and the area restored to its previous state or a state acceptable to Council. If the person responsible for the structure fails to remove the structure and restore the area, the Council may undertake the work and in the event of doing so, will recoup the costs from the person responsible.

19.2.8 Consent Duration

The duration of the consent.

19.2.9 Financial Conditions

Appropriate requirements for bonds or financial contributions.

19.2.10 Maintenance of Structures

The consent holder shall at all times during the continuance of the consent, maintain the structure in good repair, appearance and condition. No alteration to the structure is permitted without written approval of the Council.

19.2.11 Transfer of Consent

The consent holder shall not sell the structure, or part with this consent or with any of the rights, powers and privileges conferred by it, without obtaining the consent of the Council in the form required by the Council and the payment of transfer charges as determined by the Council.

19.2.12 Completion of Structure

The structure shall be completed within the time stipulated on the consent.

19.2.13 Occupation of Structure

The structure shall not be occupied at any time as either temporary or permanent living quarters.

19.2.14 Duty to Obtain Other Consents

The granting of this consent does not absolve the consent holder from the responsibility to obtain any approval, permit, licence, concession or consent from any other body.

19.2.15 Review/Call Back

The Council may, as a result of information received, in accordance with the conditions of the permit, and in accordance with Sections 128 and 129 of the Act, serve notice of its intention to review the conditions of the permit, to assess their appropriateness and/or deal with any adverse effects on the environment which may arise from the exercise of the consent. The review shall be carried out annually from the date of granting of the consent or such earlier period as is considered necessary.

19.2.16 Cancellation of Consent

If the consent holder decides to cancel his/her consent, or decides not to renew the consent, and is not transferring the consent as per 19.2.11 then he/she shall notify the regional council in writing. In the case of a structure such as a whitebait stand or any structure to which Rule 11.5.1 is applicable, the consent holder shall remove the structure and all associated materials within three months of the date of expiry or cancellation of the consent. If the consent holder fails to do so, the Council may cause the structure and all associated materials to be removed and may recover the costs incurred by the removal from the consent holder.

19.2.17 Management Plans

In some instances, such as on or near sites of special amenity (e.g. cultural, scientific, ecological or historical), it may be appropriate to require the preparation and adherence to management plans in order to protect the features of significance.

Note:

- 1 The above general conditions shall be applied to the extent they are applicable to the proposed activity.
- 2 In addition to the above general conditions, specific conditions may also apply in relation to any specific objective, policy or rule contained in this Plan.

20 INTEGRATED MANAGEMENT AND CROSS BOUNDARY ISSUES

20.1 Introduction

Integrated management involves consideration of:

- the effects of the use of one natural resource on other natural and physical resources or on other parts of the environment recognising that such effects may occur across space and across time;
- the functions of other agencies in respect of the coastal marine area or involved in resource management which could affect the coastal marine area;
- the social and economic objectives and interests of the community, recognising that natural and physical resources cannot be managed without having regard to social, economic and cultural factors.

The boundary of the coastal marine area does not coincide in any significant way with natural community boundaries. Many communities, vegetation and fauna straddle this boundary. It is merely a convenient administrative boundary.

Integrated management aims to promote complementary management of the coastal marine area, coastal resources and the adjacent land by all the statutory organisations involved. That does not mean that the same rules will always apply either side of the coastal marine area boundary. However, processes are needed to resolve cross boundary issues to provide certainty and avoid confusion. These processes should preferably be based on mutual agreement, rather than external direction.

The Act requires that the regional coastal plan state the processes to be used to deal with issues which cross local authority boundaries and issues between regions. While local authority cross boundary issues are the focus of the Act, it needs to be recognised that several issues also cross the management boundaries of other organisations, particularly government organisations such as the Ministry of Fisheries and the Maritime Safety Authority. Other types of organisations with a management role in the coastal marine area include Statutory Advisory Groups such as the Fiordland Marine Guardians, Fish and Game Councils, and the Historic Places Trust.¹

A cross boundary issue arises when any of the following circumstances occur:

- an activity crosses, or is proposed to cross, a local authority boundary;
- the effects of any activity, or set of activities carried out within any local authority boundary, also apply to the environment of another local authority;
- an activity and its effects are considered by people, communities or organisations in different terms because of differences in values.
- adverse effects to the coastal marine area from activities authorised under other legislation.

The coastal marine area boundary of the Southland region is shared with two other regional councils, Otago and West Coast, and two territorial authorities, Southland District and Invercargill City. The Department of Conservation manages significant areas of land adjacent to the coastal marine area, especially in Fiordland and Stewart Island.

¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Cross boundary issues may exist in relation to:

- water quality (land management and river quality affects coastal water quality);
- air quality (air is free to move between land and the coastal marine area);
- natural hazards (coastal erosion may affect activities or developments near the sea, and uses of the coastal marine area may influence coastal erosion);
- pest management (pests move between the coastal marine area and any adjacent land)
- noise (like air, noise is free to move between land and the coastal marine area);
- natural character, landscape and amenity (what happens on land affects the amenity, landscape and natural character of the coastal marine area);
- structures and associated land use and development;
- reclamation and associated land use and development;
- ecosystem (activities on land may affect the integrity and life-supporting capacity of ecosystems in the coastal marine area);
- surface water activities;
- vehicles adversely affect sand dunes.

Integrated management will assist the Southland Regional Council to co-ordinate management of the use, development and protection of natural and physical resources with:

- other regional plans (responsible for management of discharges to air, land and water landward of the coastal marine boundary and pest management strategies);
- the Southland District Council and Invercargill City Council (responsible for managing and controlling noise, subdivision, surface water activities, and the effects of land use landward of the coastal marine area boundary);
- the Otago Regional Council and the West Coast Regional Council (responsible for management of the coastal marine area of their regions under the Resource Management Act);
- the Department of Conservation (responsible for marine conservation and aspects of coastal resource management, and the Crown's representative for land in the coastal marine area and as major manager of land adjacent to the coastal marine area);
- the Ministry of Fisheries (responsible for fisheries management, including aspects of marine farming, enhancement and harvesting, and marine biosecurity, including ballast water);
- the Maritime Safety Authority (responsible for safety of navigation and for an overview of oil spill contingency planning);
- the public, iwi, and interest groups (through the consultation process).

OBJECTIVES

Objective 20.1.1 - Facilitate integrated management of the land and coastal environment

Policy 20.1.1

To facilitate integrated management of the land, coastal marine area and the economic exclusive zone.

Explanation - Integrated management of the land and coastal marine area interface is required by both the Regional Council and territorial authorities as many values of the coastal environment are affected by activities that take place on both sides of the coastal marine area boundary. Discharge activities into mobile receiving environments, like water and air, can affect areas many kilometres distant from their point of origin.

Activities undertaken within the coastal marine area can have effects on areas of adjoining land, such as on traffic, views, noise, glare, dust and odour. In some instances, activities will require joint consents from both the Regional Council and the adjoining

territorial authority. Where joint consents are required under Section 102 of the Act, cross boundary issues will be considered. Where joint consents are not required it will be necessary for the Regional Council to have regard to effects impacting upon the land.

See also Section 5.1, 5.2, 5.3, 7.2, 7.3, 8, 10, 11, 12 and 11.7.7.10

Policies 20.1.1, 20.1.2 and 20.1.3

Objective 20.1.2 Effective processes to deal with cross boundary issues

To establish and maintain effective processes to deal with cross boundary issues.

Explanation - Integrated resource management requires cross boundary issues to be resolved. Experience shows that locally agreed solutions are more likely to be effective than approaches imposed upon one body by another, or as a result of determinations of the Environment Court. By way of example, Southland local authorities have established a protocol for joint hearings.

See also Sections 5.1, 5.3, 5.3, 7.2, 7.3, 8, 10.4, 11, 11.7.7.10, 12

POLICIES

Policy 20.1.1 - Consultation on cross boundary issues

The Regional Council and the region's territorial authorities, and neighbouring regional and territorial councils, will consult with each other and the tangata whenua to seek jointly agreed solutions to cross boundary issues.

Explanation - Best results are achieved through joint commitment to action rather than independent activity. The tangata whenua must be involved in this process especially when large areas of Maori land adjoin the coast.

See also Sections 5.1, 5.2, 5.3, 7.2, 7.3, 8, 10.4, 11, 11.7.7.10, 12

Policy 20.1.2 - Matters of regional significance as cross - boundary issues

Where matters of regional significance arise that involve cross boundary issues, the Regional Council will, in consultation with other interested parties, determine the appropriate action.

Explanation - The overview role of the Regional Council places it in the position best able to initially co-ordinate any action that may be required were regional issues arise. An example of a matter of regional significance is the position of the seaward boundary of territorial authorities, currently mean high water mark. This is considered to be inappropriate and both the Regional Council and territorial authorities have sought its extension seaward to at least low water mark.

Policy 20.1.3 - Matters not of regional significance as cross boundary issues

Where matters not of regional significance, arise, then the relevant territorial authorities will, in consultation with other interested bodies, determine appropriate action. At the invitation of affected territorial authorities, the Regional Council will facilitate resolution of cross boundary resource management issues between them.

Explanation - Generally, matters of local significance should be resolved at the local level. There will be occasions, however, when territorial authorities within Southland wish to ensure that common difficulties are assessed and resolved in a co-ordinated manner, or where they wish for a common approach to be adopted. In cases where the matter is not of regional significance in its own right, then it is appropriate for the

territorial authorities to take the lead and invite the Regional Council to assist with that matter. Examples could include the development of memoranda of understanding or accords for beach or harbour management, especially where other organisations have staff in areas remote from regional Council headquarters.

See also Sections 5.1, 5.2, 5.3, 7.2, 7.3, 8, 10.4, 11, 11.7.7.10, 12

20.2 Procedures

The Southland Regional Council will use the following procedures in relation to integrated management and cross boundary issues:

1. have regard, under Section 66 of the Act, to the policy statements and plans (including resource management plans, strategic plans and annual plans) of territorial authorities and neighbouring regional councils, the Fiordland National Park Management Plan, and Conservation Management Strategies of the Department of Conservation, and the extent to which this Plan needs to be consistent with those documents;
- 1.a have regard to the Guardians of Fiordland's Fisheries and Marine Environment Fiordland Marine Conservation Strategy to the extent that the Strategy is consistent with the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005.²
2. liaise, as appropriate, with the Invercargill City Council and Southland District Council on cross boundary issues affecting the coastal marine area (particularly in relation to noise and foreshore/beach/harbour activities). Such liaison will be at staff level, for example, Planners' Liaison Committee, and Councillor or Mayoral level, for example, attending Community Board meetings or Mayoral forums;
3. transfer functions or part functions, for example, enforcement, which could be more efficiently, effectively and appropriately carried out by other agencies;
4. prepare regional plans relating to air quality and inland water quality which will appropriately complement the regional coastal plan;
5. liaise, as appropriate, with the Otago Regional Council and the West Coast Regional Council on matters of coastal management that are relevant to more than one region;
6. liaise with the Maritime Safety Authority in order to jointly maintain navigation safety and coastal water quality;
7. liaise, as appropriate, with the Department of Conservation in relation to the implementation and review of coastal policy, and in relation to matters of marine conservation and conservation across the land/sea interface;
8. liaise, as appropriate, with the Ministry of Fisheries in relation to marine farming and in relation to fisheries management issues relevant to the Regional Coastal Plan;
9. liaise and consult with the public, iwi, and interest groups in relation to any matters which may affect these parties;
10. make submissions on planning documents and resource consent applications and receive and consider submissions to its own documents and resource consent applications. The submission process is a good opportunity to involve, not only local authorities but also the public and interest groups, in the resolution of cross boundary issues.

² Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

11. Prepare an Accord with other statutory bodies and agencies that facilitates the processing of consents and approvals, and the sharing of information, for situations where resource consent is required from the Southland Regional Council and consents and approvals are also required from those other statutory bodies and agencies.

20.3 Environmental Results Anticipated

Giving effect to the objectives and policies will give rise to the following environmental results anticipated:

- effective resolution of cross boundary issues;
- integrated management of natural and physical resources;
- pragmatic solutions to issues involving overlapping management.

OUTCOMES

The outcomes expected from adopting the objectives and policies listed in Section 20 are:

- 20.1 There is integrated management of the land, coastal marine area and the economic exclusive zone.**
- 20.2 Effective processes exist to deal with cross boundary issues.**

APPENDICES

- 1 Glossary of Terms**
- 2 Coastal Marine Area Boundaries**
- 3 Maps**
- 4 Coastal Landscape Assessment**
- 5 Areas Containing Significant Values**
- 6 Anchorages**
- 7 Inventory of Important Geological Sites and Landforms in the Southland region**
- 8 Heritage and Archaeological Sites**
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APPENDIX 1

Glossary of Terms

This glossary is included to assist in the understanding of terms used in this Plan. Where the definition comes from the Resource Management Act 1991, this is indicated by means of an asterisk (*). These definitions from the Act may change if amendments to the Act are undertaken. Other sources, where used, are indicated accordingly. The southern dialect equivalent for various Maori terms is indicated in brackets.

Access strips - a strip of land created by the registration of an easement in accordance with the Act, for the purposes of allowing public access to or along any river, lake, or coast, or to any esplanade reserve or strip, other reserve or land owned by a local authority or the Crown.

Act/The Act - The Resource Management Act 1991 (including any amendments thereto), unless expressly stated.

Aerial tourism/recreation operation¹ - Aerial tourism/recreation operations means the landing and take off of aircraft in the coastal marine area for the primary purpose of allowing the pilot and/or passengers to undertake sightseeing and/or recreational activities (not including hunting) when the pilot and/or passengers do not disembark from the aircraft, or having disembarked, do not have an overnight stop.

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

Airborne Dust Particle - Any material which is 1 mm or less in diameter and which is capable of being transported by air movement. This includes PM₁₀.

Aircraft * - any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth.

Amenity Values* - those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

Anchorage - means an area of the coastal marine area which has been set aside or is used for the anchoring of a ship by means of that ship's anchor.

Ancillary activities (to a commercial surface water activity): Means activities, which are part of the overall commercial surface water activity, but is not the main ship. For example, the use of kayaks, tender craft, or aircraft and paddleboards, which are secondary to the main surface water activity.

Annual Plan - a mandatory document produced by local authorities, which outlines significant objectives and policies, the nature and scope of significant activities to be undertaken, performance targets and measures by which performance may be judged in relation to the objectives, and financial arrangements.

Antifoulant - a substance applied to the hulls of ships and other marine structures to prevent the growth of marine organisms on those ships and structures.

Aquaculture - see marine farming.

Archaeological Site - "any place in New Zealand that:

- a either
 - (i) was associated with human activity that occurred before 1900; or
 - (ii) is the site of the wreck of any ship where that wreck occurred before 1900; and
- b is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand" (Section 2, Historic Places Act 1993).

Area Containing Significant Values - any area specified by the Department of Conservation identifying conservation values of regional, national or international significance.

¹ Added by Environment Court Consent Order – Judge Jackson – 30 November 2006.

Artificial Watercourse - includes an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal (from the definition of “river” in the Resource Management Act 1991).

Assessment of Effects on the Environment - an assessment of any actual or potential effects that an activity may have on the environment, and the ways in which any adverse effects may be avoided, remedied or mitigated. The levels of detail should correspond to the scale and significance of the actual or potential effects, and the assessment should be prepared in accordance with the requirements of the Fourth Schedule of the Act.

Authorised Discharge - a discharge which is expressly allowed by a rule of a regional plan, a resource consent, or regulation.

Background Sound Level (L95) - in decibels, is the mean minimum sound level in the absence of the noise being assessed at the relevant time and place of measurement. It is the component of sound that subjectively is perceived as continuously present.

Ballast water - water carried by ships to provide ballast in the absence of cargo.

Base/Accommodation Facility – means a ship which is moored, anchored, secured or stationary in the coastal marine area for the primary purpose of being used as a base for recreational or commercial activities (whether in the coastal marine area or not), storage or accommodation but does not include any ship moored, anchored, secured or stationary for shelter from adverse weather or for the purpose of allowing its crew or passengers to undertake activities which are reasonable incidental to or part of that ship’s passage through or cruising in the coastal marine area.

Beach Renourishment - the deposition of sand, shingle, shell or other natural material directly on to the foreshore for the purposes of combating beach or shoreline erosion or improving the amenity value of the foreshore.

Bed* -

- a In relation to any river -
 - i for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which the waters of the river cover at its annual fullest flow without overtopping its banks:
 - ii in all other cases, the space of land which the waters of the river cover at its fullest flow without overtopping its banks.
- b In relation to any lake, except a lake controlled by artificial means,-
 - i for the purposes of esplanade reserves, esplanade strips, and subdivision, the space of land which waters of the lake cover at its annual highest level without exceeding its margin:
 - ii in all other cases, the space of land which the waters of the lake cover at its highest level without exceeding its margin.
- c In relation to any lake controlled by artificial means, the space of land which the waters of the lake cover at its maximum permitted operating level.
- d In relation to the sea, the submarine areas covered by the internal waters and the territorial sea.

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

Benthic Communities - communities of marine vegetation and fauna found on the seabed.

Best Practicable Option* - in relation to a discharge or a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to -

- a the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b the financial implications, and the effects on the environment, of that option when compared with other options; and
- c the current state of technical knowledge and the likelihood that the option can be successfully applied.

Big Glory Bay – means all that part of the coastal marine area generally south and west of an imaginary line between NZMS 260 grid references E49388492 and E49403490.

Bio-accumulation - general term describing a process by which chemical substances are accumulated by aquatic organisms from water directly or through consumption of food containing the chemicals.

Biochemical Oxygen Demand (BOD) - “... is a measure of the amount of biochemically degradable organic matter present in a water sample. It is defined by the amount of oxygen required for the aerobic micro-organisms

present in the sample to oxidise the organic matter to a stable inorganic form ... BOD is measured by standardised laboratory procedures which measure the amount of oxygen consumed after incubating the sample in the dark at a specified temperature, which is usually 20°C, for a specific period of time, usually five days. This gives rise to the commonly used term “BOD₅”. The oxygen consumption is determined from the difference between the dissolved oxygen levels in the sample before and after the incubation period”(Chapman (ed), 1992: 80). The higher the measure of BOD₅, the greater organic pollution.

Biodiversity - The variability among living organisms from all sources including terrestrial, marine and aquatic ecosystems and the ecological complexes of which they are part. This includes diversity within species and of ecosystems.

Biomass - the total number of living organisms in a given area, expressed in terms of living or dry weight per unit area.

Biota - the animal and plant life and all living organisms of a region.

Bluff Port Zone – that area of the coastal marine area within and at the entrance to Bluff Harbour as shown on Map 9c in Appendix 3.

Boatshed – any enclosed or covered structure designed and principally used for the purpose of storing a boat out of water.

Boulder - classified, in New Zealand, as being of a diameter greater than 20.32 centimetres. The classification system is based on common English usage where a boulder is too large to be thrown (Soil Bureau Bulletin 25).

Bradshaw Sound - means all that part of the coastal marine area east of an imaginary line between the southern extremity of Richards Point and the headland at the approximate grid reference, NZMS260 B43421289, including Gaer Arm and Precipice Cove.

Buoy - an anchored floating object marking a channel, obstruction, craypot, set net, or mooring.

Capital Dredging - any dredging, other than maintenance dredging, of the bed of the sea for the purpose of providing adequate depth for a specific purpose.

China Shop - means an area identified:

- a by a number on Map 1 of Appendix 3A; and
- b as a prohibited anchoring area on Maps 2 to 6 of Appendix 3A.²

Coastal Marine Area* - the foreshore, seabed, and coastal water, and the air space above the water -

- a of which the seaward boundary is the outer limits of the territorial sea;
- b of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of -
 - i one kilometre upstream from the mouth of the river; or
 - ii the point upstream that is calculated by multiplying the width of the river mouth by 5.

Coastal Protection Works - include breakwaters, seawalls, groynes and the dumping or placement of material for the purpose of preventing erosion and planting of any material for the purpose of preventing erosion.

Code of Practice - a non-statutory guideline prepared by an industry or section of an industry, which uses education and self-regulation amongst its members to address a particular issue(s).

Coastal Tendering - provides for the Crown, as owner of the resource, to choose between competing applicants on the basis of the financial returns they are prepared to pay for the use of an area or resource.

Coastal Water* - seawater within the outer limits of the territorial sea and includes -

- a seawater with a substantial fresh water component; and
- b seawater in estuaries, fiords, inlets, harbours, or embayments:

² Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Commercial Surface Water Activities - include any activities that involve the use of any ship less than 1000 gross registered tons where that ship has been offered or used for hire or reward, and includes commercial day trip activity and commercial back country activity but:

- does not include any activity for which a reasonable charge is made towards recovery of the reasonable expenses incurred in undertaking the activity; and,
- does not include a fishing boat, when its crew are engaged in the catching of quota and non quota fish and ancillary activities.

Commercial Day Trip Activity - means commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, with the embarkation and disembarkation of the passengers occurring on the same calendar day.

Commercial Day Trip - means the undertaking of a commercial day trip activity from a point of embarkation and back, with the embarkation and disembarkation of the same passengers (more or less) occurring on the same calendar day.

Commercial Backcountry Activity - means a commercial surface water activity that involves the use of a motorised or wind powered ship from a point of embarkation and back, or, from a point of embarkation to a different point for disembarkation where the activities of embarkation and disembarkation do not occur on the same calendar day.

Commercial Backcountry Trip - means the undertaking of a commercial backcountry activity within either Hall Arm, Crooked Arm west of Turn point, First Arm or Bradshaw Arm for any purpose, other than using an anchorage and travelling directly to and from that anchorage when conditions prevent the use of anchorages in areas other than those specified.

Conditions* - in relation to plans and resource consents, includes terms, standards, restrictions, and prohibitions.

Consent Authority* - the Minister of Conservation, a regional council, a territorial authority, or a local authority that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which a resource consent is required under [the Resource Management] Act.

Construction Work - any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, alteration, dismantling, or demolition of:

- a any building, erection, edifice, structure, wall, fence, or chimney, whether constructed wholly or partly above or below ground;
- b any road, motorway, harbour works, railway, cableway, tramway, canal, or aerodrome;
- c any drainage, irrigation or river control work;
- d any electricity, water, gas, telephone, or telegraph reticulation;
- e any bridge, viaduct, dam, reservoir, earthworks, pipeline, aqueduct, culvert, drive, shaft, tunnel, or reclamation;
- f any scaffolding;

and includes any work in connection with any excavation, site preparation or preparatory work carried out for the purposes of any construction work; and also includes use of any plant, tools, gear, or materials for the purpose of any construction.

Consultation - involves the statement of a proposal not yet finally decided upon, listening to what others have to say, considering their responses and then deciding what will be done. Although there are no universal legal requirements as to form, the essential elements of genuine consultation should include:

- a *sufficient information* provided to the consulted party, so that they can make intelligent and informed decisions; and
- b *sufficient time* for both the participation of the consulted party and the consideration of the advice given; and
- c *genuine consideration* of that advice, including an open mind and a willingness to change.

Contact Recreation - recreation involving physical contact with a water body (e.g. swimming).

Contaminant* - includes any substance (including gases, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat -

- a when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- b when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition or the land or air onto or into which it is discharged:

Controlled Activity* - an activity which -

- a is provided for, as a controlled activity, by a rule in a plan or proposed plan; and
- b complies with standards and terms specified in a plan or proposed plan for such activities; and
- c is assessed according to matters the consent authority has reserved control over in the plan or proposed plan; and
- d is allowed only if a resource consent is obtained in respect of that activity.

Crooked Arm East of Turn Point - means that part of the coastal marine area bounded to the south by an imaginary line drawn due south of Turn Point and bounded to the north by an imaginary line drawn between Ranson Head and Kellard Point.

Crooked Arm West of Turn Point - means all that part of the coastal marine area west of an imaginary line drawn due south of Turn Point

Cruise Ship - means any ship at or over 1,000 gross tons (International Convention System), the main purpose of which is to carry passengers for hire.

dBA - means the A-frequency-weighted sound pressure level in decibels relative to a reference sound pressure of 20 micropascals (see NZS 6801:1991 clause 2.1. definitions of frequency, sound pressure, reference sound pressure, sound pressure level, decibel, weighting, and sound level).

Defence Purposes - those in accordance with the Defence Act 1990.

Deposition - the accumulation of material on the seabed or foreshore. This is a process that can occur naturally over time or as a result of human activities.

³ **Designated Mooring Area** – No definition, refer to footnote.

Discharge* - includes emit, deposit, and allow to escape.

Discretionary Activity* - an activity -

- a which is provided for, as a discretionary activity, by a rule in a plan or proposed plan; and
- b which is allowed only if a resource consent is obtained in respect of that activity; and
- c which may have standards and terms specified in a plan or proposed plan; and
- d in respect of which the consent authority may restrict the exercise of its discretion to those matters specified in a plan or proposed plan for that activity:

District Plan* - an operative plan approved by a territorial authority under the First Schedule; and includes all operative changes to such a plan (whether arising from a review or otherwise).

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

Effect* - unless the context otherwise requires, the term “effect” ... includes:

- a any positive or adverse effect; and
- b any temporary or permanent effect; and
- c any past, present, or future effect; and
- d any cumulative effect which arises over time or in combination with other effects - regardless of the scale, intensity, duration, or frequency of the effect; and also includes -
- e any potential effect of high probability; and
- f any potential effect of low probability which has a high potential impact.

Environment* - includes -

- a ecosystems and their constituent parts, including people and communities; and
- b all natural and physical resources; and
- c amenity values; and
- d the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters.

³ Reference to add definition dismissed – 17 August 2004, Judge Jackson

Erosion - the processes of wearing away of the land surface by natural agents and the transport of the rock sand silt debris that results. These processes can also be facilitated by human activity.

Esplanade Reserve* - a reserve within the meaning of the Reserves Act 1977 -

- a which is either -
 - i a local purpose reserve within the meaning of Section 23 of that Act, if vested in the territorial authority under section 239 [of the Act]; or
 - ii a reserve vested in the Crown or a regional council under Section 237D [of the Act]; and
- b which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in Section 229 [of the Act].

Esplanade Strip* - a strip of land created by the registration of an instrument in accordance with Section 232 for a purpose or purposes set out in Section 229 [of the Act].

Estuary - the semi-enclosed mouth of a river where tidal effects are evident and where freshwater and seawater mix. It can include deepwater tidal habitats and adjacent tidal wetlands.

Eutrophication - the process by which water (usually freshwater) becomes rich in nutrients, causing excessive plant growth which kills animal life by deprivation of oxygen.

Euphotic Zone - the zone from the water surface which has sufficient light to support photosynthesis activity.

Exclusive Occupation - where no one is allowed access to an area other than the person with the right to occupy.

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

Faecal Coliform - a type of bacteria that is associated with the excrement of warm blooded animals. While faecal coliforms may not in themselves cause disease, their presence is indicative of faecal pollution. If faecal coliforms are present in significant numbers, it is probable that disease causing organisms are also present.

Financial Contribution* - a contribution of -

- a money; or
 - b land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of the Maori Land Act 1993 unless that Act provides otherwise; or
 - c a combination of money and land.
- (Section 108(9), Resource Management Act 1991).

Fiord - a long, narrow inlet into the sea-coast, with more or less steep sides, formed when glaciers making their way to the sea, scooped out deep, trough-like valleys.

Fiordland - means that area of the coastal marine area adjoining the coastline from Awarua Point to Sand Hill Point, including that part of the coastal marine area around the Solander Islands and includes all of that area known as the Fiordland (Te Moana o Atawhenua) Marine Area.

Fiordland (Te Moana o Atawhenua) Marine Area - means that part of the Southland coastal marine area adjoining the coastline from Awarua Point to Sand Hill Point, but not including the coastal marine area around the Solander Islands, and has the same meaning as set out in the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005. ⁴

Foreshore* - any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.

First Arm - means all that part of the coastal marine area south and west of an imaginary line between the northernmost part of Rogers Point and Joseph Point.

Functional Need - the need for an activity to be located in the coast in order for it to function.

⁴ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

Gravel - “a deposit of rounded stones, usually mixed with finer material such as sand or clay, and formed by the action of moving water - by a river or a lake, or by the sea.”(Dictionary of Geography). In New Zealand gravel, is defined by diameter as follows:

- Fine Less than 6.4 mm
- Medium 6.4 - 12.8 mm
- Coarse 12.8 - 19.1 mm (Soil Survey Bulletin 25)

Gross Registered Tons - In relation to a ship, means the gross tonnage of that ship determined or recognised in accordance with the Shipping Tonnage Rules 1976. Gross tonnage shall be determined by the following formula in accordance with Clause 3 of the First Schedule of that Act: $GT = K1 V$, where $K1 = 0.2 + 0.02 \log_{10} V$ and $V =$ Total volume of all enclosed spaces of the ship in cubic metres.

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

Hall Arm - means all that part of the coastal marine area south and west of an imaginary line between Davidson Head and Pridham Point.

Harbour (or “Port”) - includes any harbour properly so called, whether natural or artificial, and any haven, estuary, navigable lake or river, dock, pier, jetty, and work in or at which ships do or can obtain shelter, or ship or unship goods or passengers, and any harbour defined under [the Harbours Act 1950] or declared under Section 241C [of the Harbours Act 1950] to be an inland harbour; and, when used in any provision relating to the jurisdiction or powers of a Harbour Board, extends to and includes the limits within which that jurisdiction or those powers may be exercised.

(Section 2, Harbours Act 1950).

Hazardous Substances -

any substance:

- a with one or more of the following intrinsic properties:
 - i explosiveness;
 - ii flammability;
 - iii a capacity to oxidise;
 - iv corrosiveness;
 - v toxicity (including chronic toxicity);
 - vi ecotoxicity, with or without bioaccumulation; or
- b which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazard Protection Works - includes breakwaters, seawalls, groynes and dumping or placement of material for the purpose of preventing erosion and planting of any material for the purpose of preventing erosion.

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

Herbicide - a chemical substance toxic to plants, which is used to exterminate unwanted vegetation.

Heritage Order* - a provision made in a district plan or a regional coastal plan to give effect to a requirement made by a heritage protection authority.

Heritage Site - any place of special cultural, architectural, historical, scientific, ecological or other interest, or of special significance to the tangata whenua for spiritual, cultural or historical reasons.

Hovercraft - a machine designed to be supported in the atmosphere, wholly or partly by air expelled from the machine to form a cushion extending beneath the machine to the surface of any ground, water, or other portion of the earth's surface.

Impoundment - the complete to partial closure by a structure of part of the coastal marine area.

Incineration – the process which partially or completely reduces materials to ash and combustion gases through combustion, usually in a purpose built appliance

Indigenous - produced in, or naturally belonging to New Zealand.

Industrial or Trade Premises* -

- a any premises used for any industrial or trade purposes; or
 - b any premises used for the storage, transfer, treatment, or disposal of waste materials or for other waste-management purposes, or used for composting organic materials; or
 - c any other premises from which a contaminant is discharged in connection with any industrial or trade process-
- and includes any factory farm; but does not include any production land.

Infrastructure - networks, links and parts of facility systems, as in transport infrastructure (roads, rail, parking, etc) or water system infrastructure (the pipes, pumps and treatment works, etc).

Inlet - a small opening into the coastline. (Dictionary of Geography)

Internal Waters* - has the same meaning as in Section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977 as follows:

Section 4 Internal water - *The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.*

Section 3 The territorial sea - *The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.*

Section 5 Baseline of territorial sea - (1) *Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands. (2) For the purposes of this section, a low-tide elevation that lies wholly or partly within the breadth of sea that would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth of the territorial sea shall be treated as an island.*

Section 6 Baseline of territorial sea adjacent to bay - *In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured - (a) Where the bay has only one mouth and the distance between the low-water marks of the natural entrance points of the bay does not exceed 24 nautical miles, shall be a straight line joining those low-water marks; and (b) Where, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, shall be a series of straight lines across each of the mouths so as to join those low-water marks; and (c) Where neither paragraph (a) nor paragraph (b) of this section applies, shall be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.*

Interpretation - Conveying information about the origin, meaning of values of national or cultural heritage via live, interactive or static media. Occurs in the vicinity of the subject and is designed to stimulate visitor interest, increase understanding and promote support for conservation (Draft Stewart Island Conservation Management Strategy, 1995).

Intrinsic Values* - in relation to ecosystems, means those aspects of ecosystems and their constituent parts which have value in their own right, including -

- a their biological and genetic diversity; and
- b the essential characteristics that determine an ecosystem's integrity, form, functioning, and resilience.

Issue - that which is viewed as a significant matter of resource management concern that needs to be resolved.

Iwi - tribe or grouping of people.

Iwi Authority* - the authority which represents an iwi and which is recognised by that iwi as having authority to do so.

Kaik - village or seasonal camp.

Kaimoana - food from the sea.

Ngai Tahu - the tribal group holding mana whenua in Te Waipounamu, the area from Kahuraki Point on the West Coast and Te Parinui-o-Whiti (Vernon Bluffs) on the east, and all places south "until the land turns white" (Source: Canterbury Regional Council, Proposed Regional Coastal Environment Plan).

Kaitiaki - guardian, steward.

Kaitiakitanga (kaitiakitaka)* - the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

Kawanatanga (Kawanataka) - Kawanatanga is the term used in Te Tiriti o Waitangi to describe the rights handed over to the Queen of England. It is derived from the word kaawana, which is the transliterated form of the English word “governor” and translates as governorship. The Waitangi Tribunal has found that kawanatanga meant the right to make laws for peace and good order and to protect Maori mana.

L₁₀ - Means the L₁₀ exceedance level, in A-frequency-weighted decibels, which is equalled or exceeded ten percent of the total measurement time (see NZS 6801:1991 clause 2.2. definition of exceedance level).

Lagoon - a body of water which is partly, completely or sporadically separated from the sea by a narrow strip of land.

Lake* - a body of freshwater which is entirely or nearly surrounded by land...

Land* - includes land covered by water and the air space above land:

Landfill - a site used for the deposition of solid waste onto or into land (a generic term which, depending upon circumstances, can include industrial or trade premises and production land).

Landing or Take-Off - means the movement from the ground to the airspace above the ground or vice-versa of any aircraft utilising its own power source from any specified part of the foreshore, seabed or surface of the water including any structures or ships on, over or under the said foreshore, seabed or surface water.

Landscape - reflects the cumulative effects of physical and cultural processes. It combines the visual expression of physical, biological and cultural processes and the way that people experience and perceive the phenomena or elements or configurations of elements arising from those processes in the environment.

Livestock - farm animals kept for use or profit such as horses, cattle, deer, goats and sheep.

Lines – means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for telecommunication; and includes any pole, insulator, casing, minor fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor; and also includes any part of a line.

L_{max} - means the maximum A-frequency-weighted sound level (dBA L_{max}) during a stated period. See NZS 6801:1991 clause 2.1 – definition of maximum sound level. L_{max} is a rms value and should not be confused with the term “peak” which means, when used in relation to any numerical noise limit, e.g. 122 dBC (peak), the peak sound level, and is a non-rms value.

Local Authority* - a regional council or territorial authority.

Local Genetic Stock - species that are indigenous to the area being considered.

Maataitai (Mataitai)* - food resources from the sea and “mahinga maataitai” (mahika mataitai) means the areas from which these resources are gathered.

Maimai - a camouflaged structure, the sides of which are more than 600 millimetres above either the ground or surface of the water, and is used in the sport of gamebird hunting to provide concealment and shelter for the hunter.

Maintenance Dredging - any dredging of the bed of the sea necessary to maintain water depths to previously approved levels, for the safe and convenient navigation of ships in navigation channels and at berthing and mooring facilities, including marina developments (New Zealand Coastal Policy Statement, 1994: Schedule 1.6).

Mana Whenua* - customary authority exercised by an iwi or hapu in an identified area.

Marina - an area containing individual berths for small boats and yachts.

Marine Farm -

- a in relation to a leased area, all that part of the area that is being or has been developed into a farm for the farming of fish or marine vegetation; includes all structures and rafts used in the area in connection with the farm, and all boundary markings, and all fish or marine vegetation for the time being farmed in the area by the lessee; and
- b in relation to any licensed area, all that part of the area in which the licensee is for the time being carrying on the business of farming of fish or marine vegetation in accordance with [their] licence; and includes all structures and rafts used in the area in connection with the farm, and all fish or marine vegetation for the time being farmed in the area by the licensee: (Marine Farming Act 1971).

Marine Farming - the activity of breeding, hatching, cultivation, rearing, or on-growing of fish, aquatic life, or seaweed for harvest; but does not include -

- a any such activity undertaken pursuant to regulations made under Section 91 of the Fisheries Act 1983; or
 - b any such activity where fish, aquatic life, or seaweed are not within the exclusive and continuous possession or control of the holder of a marine farming permit issued under Section 67J of the Fisheries Act 1983; or
 - c any such activity where the fish, aquatic life, or seaweed being farmed cannot be distinguished, or be kept separate from naturally occurring fish, aquatic life, or seaweed -
- and “to farm” has corresponding meaning which includes any operation in support of, or in preparation for, any marine farming.

Marine Farming Refuge Zone - an area set aside in Paterson Inlet for the emergency relocation of marine farms which hold a resource consent, when environmental conditions in Big Glory Bay threaten the existence of those farms (see also Map 12a in Appendix 3).

Maritime Safety Authority - an Authority established by Section 3 of the Maritime Transport Act 1993, with the objectives of both promoting a safe maritime environment and providing an effective marine pollution prevention and an effective marine oil pollution response system, at a reasonable cost.

Mauri - essential life force or principle; a metaphysical quality inherent in all things, both animate and inanimate.

Mean High Water Springs (MHWS) – excluding the effects of wind and storms the average of each pair of successive high waters during the period of about 24 hours in each semi-lunation (approximately every 14 days), when the range of the tides is the greatest.

Method - the practical action by which a policy is implemented. It is what can be done to put the policy into effect. A rule is a regulatory method.

Mineral - a natural inorganic substance which possesses a definite chemical composition, and definite physical and chemical properties.

Mitigate - to reduce or moderate the severity of an effect.

Mooring area – means an area of the coastal marine area which has been set aside or is used for the mooring or anchoring of ships.

Mooring or moorings – means any weight or article placed in, on or over the bed of the coastal marine area for the purpose of securing a ship, raft, aircraft or floating structure and includes any wire, rope, buoy or other device attached to or connected to such weight or article or any wire or rope attached or connected to land or object outside of the coastal marine area.

Motor Cycle - a motor vehicle running on 2, 3 or 4 wheels, which is fitted with motor cycle controls.

Motor Vehicle - a vehicle drawn or propelled by mechanical power; and includes a trailer (Transport Act 1962).

Mouth* - for the purpose of defining the landward boundary of the coastal marine area, means the mouth of the river either -

- a as agreed and set between the Minister of Conservation, the regional council, and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan; or
- b as declared by the Environment Court under Section 310 upon application made by the Minister of Conservation, the regional council, or the territorial authority prior to the plan becoming operative, -

and once agreed and set or declared shall not be changed in accordance with the First Schedule of the Act or otherwise varied, altered, questioned, or reviewed in any way until the next review of the regional coastal plan, unless the Minister of Conservation, the regional council, and the appropriate territorial authority agree.

Multiple Uses - is when a number of different but compatible activities are located in, or use the same area.

Natural and Physical Resources* - includes land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.

Natural Character - the qualities of the environment that give it recognisable character. Embraces ecological, physical, spiritual, cultural, intrinsic and aesthetic values, and includes modified and managed environments.

Natural Hazard* - any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of the environment.

Navigation - the act or process of managing or directing the course of a ship using maps and instruments.

Navigation Aid - includes -

- a any light ship and any floating or other light exhibited for the guidance of ships;
 - b any description of a fog signal not carried on a ship;
 - c all marks and signs in aid of marine navigation;
 - d any electronic, radio, or other aid to marine navigation not carried on board any ship;
- (Source: Maritime Transport Act 1994, Section 2).

New Zealand Coastal Policy Statement - [prepared by the Minister of Conservation] to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

Noise* - includes vibration.

Noise Limit – means a L_{10} or SEL L_{max} sound level in A-frequency-weighted decibels that is not to be exceeded.

Non-Complying Activity* - an activity (not being a prohibited activity) which -

- a contravenes a rule in a plan or proposed plan; and
- b is allowed only if a resource consent is obtained in respect of that activity.

Normal Operations of Ship or Offshore Installation - means:

- 1 ship propulsion;
- 2 heat exchange systems, including engine cooling systems, air conditioning, refrigeration, and condensers;
- 3 stormwater drainage from systems and scuppers, except from those areas used for the storage of any harmful substance;
- 4 the use of washing facilities in the accommodation areas producing grey water from showers, handbasins, baths, galleys, dishwashers, and laundries but does not include use of any dispensary, sick bay, or other medical premises;
- 5 the cleaning of the ship or offshore installation, except for the exterior of the hull below the load line or parts of the ship used for carrying cargo;
- 6 the incineration of waste or other matter generated from a ship or offshore installation;
- 7 fire-fighting;
- 8 the operation of a weapon system on any ship of the New Zealand Defence Force.

Notional Boundary - is defined as a line 20 metres from the façade of any rural dwelling or the legal boundary where this is closer to the dwelling.

Noxious Liquid Substance - has the same meaning as defined in the Resource Management (Marine Pollution) Regulations 1998.

Objective - the resolution of a particular issue or set of issues. It is the desired result, end state, situation or condition that is aimed for.

Occupation - can take the following two forms:

- a **exclusive occupation** - where no one is allowed access to an area other than the person with the right to occupy;

b **preferential occupation** - allows the use of an area by the general public except in circumstances where the person with the occupation right wants to use the area.

Both of the above forms of occupation can be either temporary or permanent.

Odour - an effect which is derived from the gaseous components of some discharges.

Open Coastal Water* - coastal water that is remote from estuaries, fiords, inlets, harbours, and embayments.

Operative* - in relation to a policy statement or plan, or a provision of a policy statement or plan, means that the policy statement, plan, or provision has become operative in terms of clause 20 of the First Schedule [of the Act] and has not ceased to be operative.

Outcome - the likely/anticipated environmental result of policies, methods and rules being implemented.

Pa - fortified area to which people retreated in times of danger.

Patea / Doubtful Sound: Means the geographic feature Doubtful Sound / Patea, as in the New Zealand Gazetteer (Patea / Doubtful Sound is not the official geographic name of the geographic features to which it applies).

Pedestrian - a person who travels on foot.

Pelagic – a term applied to organisms of the plankton and nekton which inhabit the open water of a sea or lake.

Permanent Structure - structure that is required for more than one year.

Permitted Activity* - an activity that is allowed by a plan without a resource consent if it complies in all respects with any conditions (including conditions in relation to any matter described in Section 108 or Section 220) specified in the plan.

Personal Water Craft - is a power driven ship that:

- i has a fully enclosed hull;
- ii does not take on water if capsized; and
- iii is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

Pest - has the same definition as that used in the Biosecurity Act 1993.

Pesticides - means any substance or mixture of substances represented by the proprietor as suitable for the eradication or control of any pest, whether by way of modification of behaviour or development or otherwise; and includes any substance or mixture of substances represented by the proprietor as suitable for use as a plant growth regulator, or a defoliant, or a desiccant; and also includes any substance or organism from time to time declared under Section 7 of the Pesticides Act to be a pesticide for the purposes of that Act; but does not include a fertiliser, or an animal remedy within the meaning of the Animal Remedies Act 1967:

pH - measures acidity/alkalinity. It is the value taken to represent the acidity or alkalinity of an aqueous solution. It is defined as the negative logarithm of the hydrogen ion acidity of the solution.

Phytoplankton - the plant portion of plankton.

Plankton - plants (phytoplankton) and animals (zooplankton) usually microscopic, floating in aquatic systems.

Piled Structure - a structure attached to seabed by piles.

Piopiotaahi / Milford Sound: Means the geographic feature Milford Sound / Piopiotaahi, as in the New Zealand Gazetteer (Piopiotaahi / Milford Sound is not the official geographic name of the geographic features to which it applies).

Point Source Discharges - discharges from specific and identifiable sources, onto or into land, air, a waterbody, or the sea.

Pole Mooring - a mooring which constitutes two poles attached to the seabed, with the ship moored between the two poles.

Policy - states explicitly the action that will be taken to achieve the stated objectives, i.e. a policy spells out what is going to be done.

Pollution - discharge of a contaminant which adversely affects the character of the receiving environment.

Port - includes place and harbour: (Section 2, Maritime Transport Act 1994).

⁵ **Port Activities** – No definition, refer to footnote.

Preferential Occupation - allows the use of an area by the general public except in circumstances where the person with the occupation right wants to use the area.

Prohibited Activity* - an activity which a plan expressly prohibits and describes as an activity for which no resource consent shall be granted [and includes any activity prohibited by Section 105 (2)(b) of the Historic Places Act 1993].

Pseudo-faeces - non-edible particles filtered and expelled by bivalves i.e. particles that are expelled rather than passing through the organism's digestive system.

Public Notification Process - the process whereby the local authority, consent authority or requiring authority must publish a public notice in one or more daily newspapers in the region, relating to the consent or requirement being addressed by the local authority, consent authority or requiring authority.

Rahui - a social system of prohibition which recognises the tapu state of a resource or used as a regulatory device to ensure wise management of a resource.

Rangatiratanga (Rakatirataka) - loosely translates into the principle of self management or full autonomy. Te tino rangatiratanga refers to the right of iwi to retain control over their resources and taoka. It implies tribal control of tribal resources.

Ramp - includes a slipway or ramp from which small boats (recreational and commercial) may be launched into the water.

Reasonable Mixing - The Resource Management Act requires that any standards imposed through classification or through Section 107 be met "after reasonable mixing." This implies the existence of a zone where underlying standards need not be met. The size of the zone where the water does not meet standards depends on the:

- effluent flow rate and concentration;
- design of the outfall;
- depth, velocity and rate of turbulent mixing of the receiving water; and
- ambient concentrations in the receiving water.

The size of the zone where the water does not meet standards is not fixed but varies over time with variations in the factors listed above (this information is taken directly from Resource Management Ideas No 10 "Reasonable Mixing" produced by the Ministry for the Environment).

Reclamation - means the permanent infilling of the foreshore or seabed with sand, rock, quarry material, concrete or other similar material, for any purpose, and includes any embankment. Reclamation does not include any structure above water where that structure is supported by piles, any rubble mound breakwater that does not have a vehicle access track, any deposition of material or infilling that is not permanent, or any infilling where the purpose of that in-filling is to provide beach nourishment.

Region - in relation to the Southland Regional Council, the region of the regional council as determined in accordance with the Local Government Act 1974.

Regional Coastal Plan* - an operative plan approved by the Minister of Conservation under the First Schedule and includes all operative changes to such a plan (whether arising from a review or otherwise).

Regional Plan* - an operative plan (including a regional coastal plan) approved by a regional council or the Minister of Conservation under the First Schedule [of the Act]; and includes all operative changes to such a plan (whether arising from review or otherwise).

⁵ Reference to add definition dismissed – 17 August 2004, Judge Jackson

Regional Significance - is based on criteria contained in Section 4.6 of the Southland regional Policy Statement.

Registered Chemical Applicator - a person registered by the New Zealand Agrichemical Education Trust as a Ground Chemical Applicator after completing a theory examination and also satisfying an interview panel of adequate practical experience in the class in which registration is granted.

Resource Consent - the right to carry out an activity which would otherwise contravene the Act.

River* - a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse; but does not include any artificial watercourse (including an irrigation canal, water supply race, canal for the supply of water for electricity power generation, and farm drainage canal).

Rock - any mass of mineral matter that forms part of the Earth's crust (Penguin Dictionary of Geology, 1978).

Rule* - a district rule or a regional rule:

Sand - a mass of minute particles derived from rock material which is finer than gravel (less than 2 millimetres in diameter) but coarser than silt (greater than 0.02 millimetres in diameter).

Sewage – means -

- a drainage and other wastes from toilets, urinals, and WC scuppers;
- b drainage from any dispensary, sick bay, or other medical premises;
- c drainage from areas containing animals; and
- d other wastewaters mixed with (a), (b) or (c) above.

Shell - the hard covering or case of some animals, such as mussels, paua, etc.

Shingle - material of gravel or pebble grade accumulated on beaches or off-shore bars (for gravel or pebble grade, refer to Wentworth-Udden scale in Section 10.5: The Removal of Sand, Shingle, Shell, or other Natural Materials, in this Plan).

Ship – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes –

- a barge, lighter, or other like vessel;
- a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- a submarine or other submersible;
- a kayak, yacht or personal watercraft.

Sign - a piece of timber or other similar medium upon which people have recorded text or graphics for the purposes of conveying to members of the public such matters as information, an order, or a request.

Siltation - the process of the deposition of particles including shingle, sand, silt and clay.

Soil - loosely, the earth or ground, but specifically those materials on the earth's surface in which terrestrial plants grow, usually formed from weathered rock or regolith changed by chemical, physical and biological processes, and may be considered as an entity quite apart from the rocks below it.

Solid Waste⁶ - any solid materials regardless of form, including containers and their contents, which are considered to be of no further economic use, and require permanent disposal, or storage until such time that they can be reused or recycled, and includes residues from incineration.

Sound - a narrow passage of water but usually wider than a strait; sometimes a narrow inlet in the sea coast.

Sound Exposure Level - may be considered as the A-weighted sound pressure level which, if maintained constant for a period of one second, would convey the same sound energy to the receiver as is actually received from a given noise event (see NZS 6801:1991 clause 2.1 definition of sound exposure level).

⁶ Reference dismissed – 17 August 2004, Judge Jackson

Spartina - an exotic species of deep rooting perennial estuarine grass, commonly referred to as cordgrass. The plants form dense, monotypic stands that colonise bare tidal flats and displace low inter-tidal salt marsh. The species growing in Southland is considered to be *Spartina anglica* and not *Spartina townsendii* as first thought.

Sprawl - uncontrolled expansion over an area.

Stormwater - surface water runoff subsequent to precipitation which is either diffuse or discharged via a conduit or drain (lined or unlined) directly from surface areas into a natural watercourse or onto or into land.

Strait - a narrow stretch of sea connecting two extensive areas of sea. It may have been formed by a fracture across an isthmus, or by the sea overflowing land which has subsided, or by erosion.

Structure - any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft or cable.

Subdivision - the division of an allotment as provided for by Section 218 of the Act.

Sustainable Management* - managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while-

- a sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Taiapure - under Part IX of the Fisheries Act 1996. Taiapure are provided for as areas of New Zealand fisheries waters (being estuarine or littoral coastal waters) that have customarily been of special significance to any iwi or hapu either –

- a as a source of food; or
- b for spiritual or cultural reasons;

- better provision for the recognition of rangatiratanga and of the right secured in relation to fisheries by Article II of the Treaty of Waitangi.

Tangata Whenua - in relation to a particular area, means the iwi, hapu, that holds mana whenua over that area:

Taonga (Taoka) - treasure, property; taonga are prized and protected as scarce possessions of the tribe. The term carries a deep spiritual meaning and taonga may be things that cannot be seen or touched. Indeed, for example, are te reo Maori (the Maori language), wahi tapu, waterways, fishing grounds and mountains.

Taonga Raranga (Taoka Raraka)* - plants which produce material highly prized for use in weaving.

Tauranga (Tauraka) Waka* - canoe landing sites.

Temporary Military Training Activities - means training activities of less than one month duration, undertaken in accordance with the Defence Act 1990.

Temporary Structure - structure that is only required for a short time or for a small part of the year on an annual basis.

Territorial Authority - a city or district council.

Territorial Sea* - the territorial sea of New Zealand as defined by Section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977. The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in Sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which line is distant 12 nautical miles from the nearest point of the baseline.

Te Whakatau Kaupapa O Murihiku - the Ngai Tahu resource management strategy for Southland.

Te Tiriti O Waitangi/Treaty of Waitangi* - has the same meaning as the word “Treaty” as defined in Section 2 of the Treaty of Waitangi Act 1975 (refer to Figure 5.6.1 of this Plan for both English and Maori versions of the Treaty).

Thompson Sound - means all that part of the coastal marine area bounded to the north by an imaginary line drawn between Colonial Head and Shanks Head and bounded to the south by an imaginary line drawn between Common Head and the southern extremity of Richards Point.

Tikanga (Tikaka) Maori* - Maori customary values and practices.

Toxicity - the inherent potential or capacity of a material to cause adverse effects in a living organism.

Treated Sewage - means sewage that, when sampled at least five times over 24 hours, meets the following standards:

- a a faecal coliform standard where the geometric mean of the faecal coliform count shall not exceed 250 faecal coliforms per 100 millilitres;
- b a suspended solids standard where the geometric mean of the total suspended solids content, when suspended solids are analysed by gravimetric methods, does not exceed:
 - i 50 milligrams per litre when analysed on shore; or
 - ii 100 milligrams per litre more than the suspended solids content of the ambient water used for flushing when analysed on board a ship;
- c a biochemical oxygen demand count where the geometric mean of five day biochemical oxygen demand of the samples of sewage does not exceed 50 milligrams per litre.

Urban - generally refers to built-up areas, consisting of physical resources (all structures and infrastructure), plus those natural resources contained within an urban area, that are developed and used for a wide range of independent activities, creating a distinct urban environment. There is a broad continuum of situations which may be described as “urban”, ranging from small townships to metropolitan areas. The term also refers to rural areas which come within the sphere of influence of an urban area, such as predominantly rural-residential area.

Urupa - Maori graveyard or burial sites.

Unwanted Organism - has the same definition as that used in the Biosecurity Act 1993.

Vehicle - a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved (Transport Act 1962).

Waahi (Wahi) Tapu - sacred place. Typically includes burial grounds and sites of historical importance to the tribe. These are defined in Appendix 8 of this Regional Coastal Plan.

Waahi Taonga (Wahi Taoka) - treasured resources.

Waste Products of Marine Species - includes all the parts that are likely to be thrown overboard, rather than eaten, such as shell, skeletal materials, heads, viscera or non-target species recovered dead.

Water* -

- a water in all its physical forms whether flowing or not and whether over or under the ground;
- b includes fresh water, coastal water, and geothermal water;
- c does not include water in any form while in any pipe, tank, or cistern.

Water Body* - fresh water or geothermal water in a river, lake, stream, pond, wetland, or aquifer, or any part thereof, that is not located within the coastal marine area.

Watercourse - the path or direction taken by such waterbodies as a river and stream.

Wetland* - permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions:

Whanau - family group. A basic unit of Maori social structure.

Wharf - includes all wharves, quays, piers, jetties, land, and premises in, on, or from which passengers or goods may be taken on board of or landed from ships (Section 2, Harbours Act 1950).

Whitebait Stand - any structure used in association with whitebaiting.

Wilderness: Is an environment that is predominantly absent of people and human modification but recognises mana whenua presence through sustainable customary use and practice. The following conditions are generally experienced in Fiordland's wilderness environments:

- a high probability of experiencing remoteness;
- a high probability of experiencing naturalness;
- minimal human presence;
- expansive landform scale;
- a low probability of experiencing anthropogenic noise;
- outstanding natural features and landscapes; and
- high conservation values.

Zone of Reasonable Mixing - an area of transition within which water classifications do not apply. They provide for the mixing of discharges with coastal waters.

Zooplankton - the animal portion of plankton.

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APPENDIX 2

SOUTHLAND REGION AGREEMENT FOR POSITION OF RIVER MOUTHS AND SUBSEQUENT DEFINITION OF THE LANDWARD BOUNDARY OF COASTAL MARINE AREA

AGREEMENT made on the 5th day of November 1996 pursuant to Section 2 of the Resource Management Act 1991

BETWEEN SIMON DAVID UPTON, Minister of Conservation (called the "Minister") of the first part

AND THE SOUTHLAND REGIONAL COUNCIL (called the "Council") of the second part

AND the INVERCARGILL CITY COUNCIL AND SOUTHLAND DISTRICT COUNCIL (jointly called the "Territorial Authorities") of the third part.

WHEREAS

- a Section 2 of the Resource Management Act 1991 ("the Act") provides that "mouth" for the purpose of defining the landward boundary of the coastal marine area means the mouth of the river as agreed and set between the Minister, the Council and the appropriate territorial authority in the period between consultation on, and notification of, the proposed regional coastal plan.
- b The landward boundary of the "coastal marine area" where the mean high water springs line crosses any river shall be the lesser of:
 - i 1 kilometre upstream from the "mouth" of the river or
 - ii the point upstream that is calculated by multiplying the width of the river mouth by 5.

PURSUANT to Section 2 of the Resource Management Act 1991 the Minister, the Council and both of the Territorial Authorities (in relation only to their respective territorial boundaries in so far as such boundaries are contained within the regional boundaries of the Council) AGREE AND SET the "mouth" of each river with the Council boundaries as follows:

"a For each river identified in Schedule 1, the "mouth" shall be a straight line drawn from bank to bank through the grid reference relating to that river at right angles to the river flow at the grid reference. The grid reference for each river is the point taken in the middle of the main river channel and is shown on the maps in Schedule 3."

"b For rivers not identified in Schedule 1, the "mouth" shall be a straight line representing a continuation of the mean high water springs on each side of the river in accordance with the diagram in Schedule 2."

"Note: The coastal marine area landward boundary ("CMA landward boundary") referred to in Schedule 1 and shown on the maps in Schedule 2 is included for reference purposes only and does not form part of this agreement."

Signed by for and on behalf of the MINISTER OF CONSERVATION by a deputy Director-General of Conservation pursuant to a delegation given to him by the Acting Director-General of Conservation and dated 4th day of October 1991.

)
)
) *Alan Edwards*
)
)

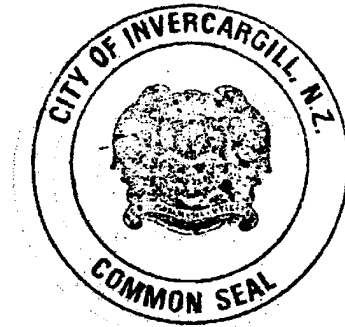
The Common Seal of the SOUTHLAND REGIONAL COUNCIL was affixed in the presence of :

[Signature] CHAIRPERSON.
[Signature] GENERAL MANAGER



The Common Seal of the INVERCARGILL CITY COUNCIL was affixed in the presence of :

[Signature] MAYOR.
[Signature] GENERAL MGR.



The Common Seal of the SOUTHLAND DISTRICT COUNCIL was affixed in the presence of :

[Signature] MAYOR
[Signature] CHIEF EXECUTIVE



**SOUTHLAND REGION
AGREEMENT FOR POSITION OF RIVER MOUTHS
AND SUBSEQUENT DEFINITION OF THE LANDWARD
BOUNDARY OF COASTAL MARINE AREA**

SCHEDULE 1

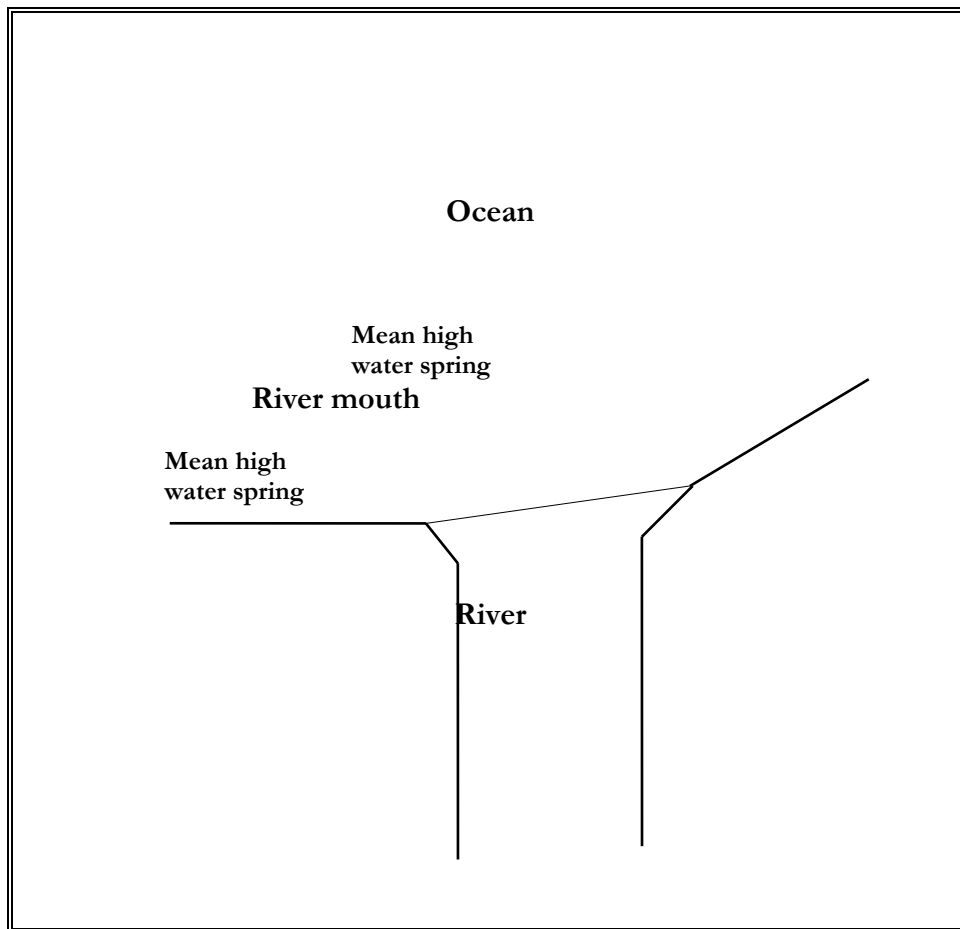
NAME OF RIVER	TERRITORIAL AUTHORITY	RIVER MOUTH - MAP GRID REFERENCE	CMA LANDWARD BOUNDARY MAP GRID REFERENCE
Waikawa River	Southland District Council	NZMS260 G47 134944	NZMS260 G47 135944 Niagara Falls
Waipapa Stream	Southland District Council	NZMS260 F47 994868	NZMS260 F47 994868
Tokanui River	Southland District Council	NZMS260 F47 905912	NZMS260 F47 906912
Titiroa River	Southland District Council	NZMS260 F47 862985	NZMS260 F47 863988 Upper side of tidegate pipes
Mataura River	Southland District Council	NZMS260 F47 828021	NZMS260 F47 827024 SH 92 road bridge
Muddy Creek	Invercargill City Council	NZMS260 E47 652943	NZMS260 E47 652943 Downstream side of road bridge
Mokotua Stream	Invercargill City Council	NZMS260 E47 558039	NZMS260 E47 559039 Downstream side of SH 1 road bridge
Waimatua (Duck) Creek	Invercargill City Council	NZMS260 E47 547057	NZMS260 E47 548057 Downstream side of railway bridge
Clifton Channel	Invercargill City Council	NZMS260 E47 528075	NZMS260 E47 528075 Downstream side of tidegates
Kingswell Creek	Invercargill City Council	NZMS260 E47 528082	NZMS260 E47 528082 Downstream side of railway bridge
Otepunu Creek	Invercargill City Council	NZMS260 E46 514114	NZMS260 E46 516114 Downstream side of Bond Street bridge
Waihopai River	Invercargill City Council	NZMS260 E46 518140	NZMS260 E46 520141 Downstream side of SH 6 bridge
Oreti River	Invercargill City Council	NZMS260 E47 462083	NZMS260 E47 466091 Downstream side of Dunns Road bridge
Waimatuku Stream	Southland District Council	NZMS260 E46 366170	NZMS260 E47 367171
Aparima River	Southland District Council	NZMS260 D47 261212	NZMS260 D46 262212 High tension power lines
Pourakino River	Southland District Council	NZMS260 D46 210212	NZMS260 D46 210214 Downstream side of Centre Road bridge
Waiau River	Southland District Council	NZMS260 D46 937327	NZMS260 D46 948323 Extrapolation westwards of the centreline of Fishing Camp Road
Rowallan Burn	Southland District Council	NZMS260 C46 866360	NZMS260 C46 866362 Downstream side of road bridge
Waikoau River	Southland District Council	NZMS260 C46 810364	NZMS260 C46 810365 Downstream side of road bridge
Wairaurahiri River	Southland District Council	NZMS260 C46 642227	NZMS260 C46 642229
Waitutu River	Southland District Council	NZMS260 C46 526242	NZMS260 C46 526243
Big River	Southland District Council	NZMS260 B46 416261	NZMS260 B46 419271 Adjacent to hut
Seaforth River (Supper Cove)	Southland District Council	NZMS260 B44 400840	NZMS260 B44 406840
Coal River	Southland District Council	NZMS260 B43 201042	NZMS260 B43 204041
Camelot River	Southland District Council	NZMS260 C43 556282	NZMS260 C43 560284
Irene River	Southland District Council	NZMS260 C42 567503	NZMS260 C42 571504
Stillwater Creek	Southland District Council	NZMS260 C42 623577	NZMS260 C42 624574

NAME OF RIVER	TERRITORIAL AUTHORITY	RIVER MOUTH - MAP GRID REFERENCE	CMA LANDWARD BOUNDARY MAP GRID REFERENCE
Arthur River	Southland District Council	NZMS1 D40 068019	NZMS260 D40 060012 Beside shelter
Cleddau River	Southland District Council	NZMS260 D40 077020	NZMS260 D40 078021
Harrison River	Southland District Council	NZMS260 D40 061077	NZMS260 D40 061079
Hollyford River	Southland District Council	NZMS260 D39 134348	NZMS260 D39 060324 110 metre radius south-east of river mouth point
Kaipō River	Southland District Council	NZMS260 D39 057322	NZMS260 D39 060324
Awarua River	Southland District Council	NZMS260 D39 208455	NZMS260 D39 208450
Freshwater River Stewart Island	Southland District Council	NZMS260 D48 226589	NZMS260 D48 225591 Footbridge
Rakeahua River Stewart Island	Southland District Council	NZMS260 D49 211463	NZMS260 D49 208463 Boat landing
Heron River Stewart Island	Southland District Council	NZMS260 E49 422406	NZMS260 E49 421407
Lords River Stewart Island	Southland District Council	NZMS260 E49 358348	NZMS260 E49 356352
Toitōi River Stewart Island	Southland District Council	NZMS260 D49 298323	NZMS260 D49 297324
Doughboy Creek Stewart Island	Southland District Council	NZMS260 D49 081386	NZMS260 D49 081381
Smoky River Stewart Island	Southland District Council	NZMS260 D48 145768	NZMS260 D48 147767 Footbridge
Yankee River Stewart Island	Southland District Council	NZMS260 D48 190783	NZMS260 D48 189782 Beside hut
Murray River Stewart Island	Southland District Council	NZMS260 D48 277690	NZMS260 D48 276691 Footbridge
Unnamed River at Maori Beach Stewart Island	Southland District Council	NZMS260 E48 343614	NZMS260 E48 343614
Mill Creek Stewart Island	Southland District Council	NZMS260 E48 384572	NZMS260 E48 384572 Road bridge

**SOUTHLAND REGION
AGREEMENT FOR POSITION OF RIVER MOUTHS
AND SUBSEQUENT DEFINITION OF THE LANDWARD BOUNDARY OF COASTAL MARINE
AREA**


























SCHEDULE 2

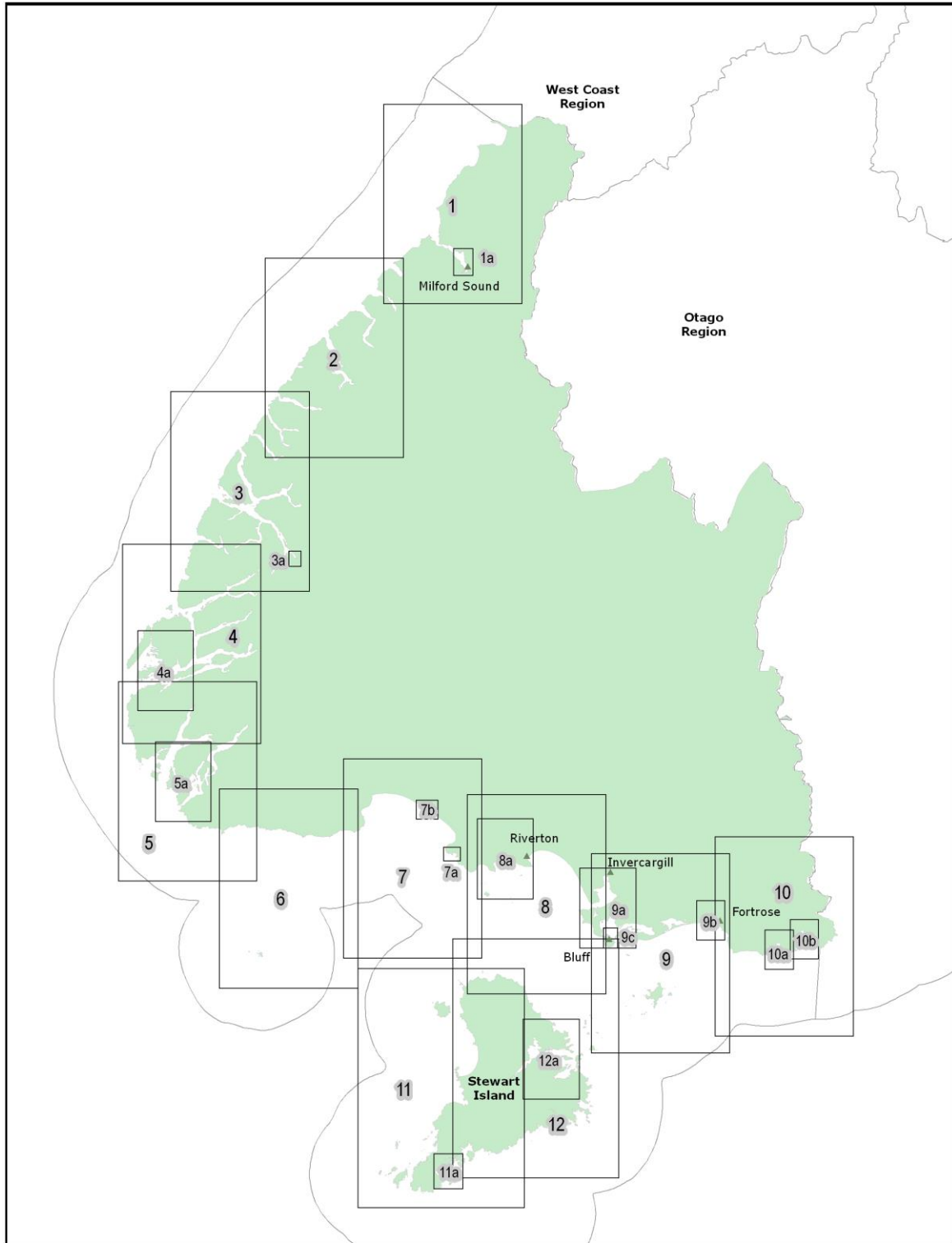
The following diagram illustrates the position of a river mouth for rivers not outlined in Schedule 1.





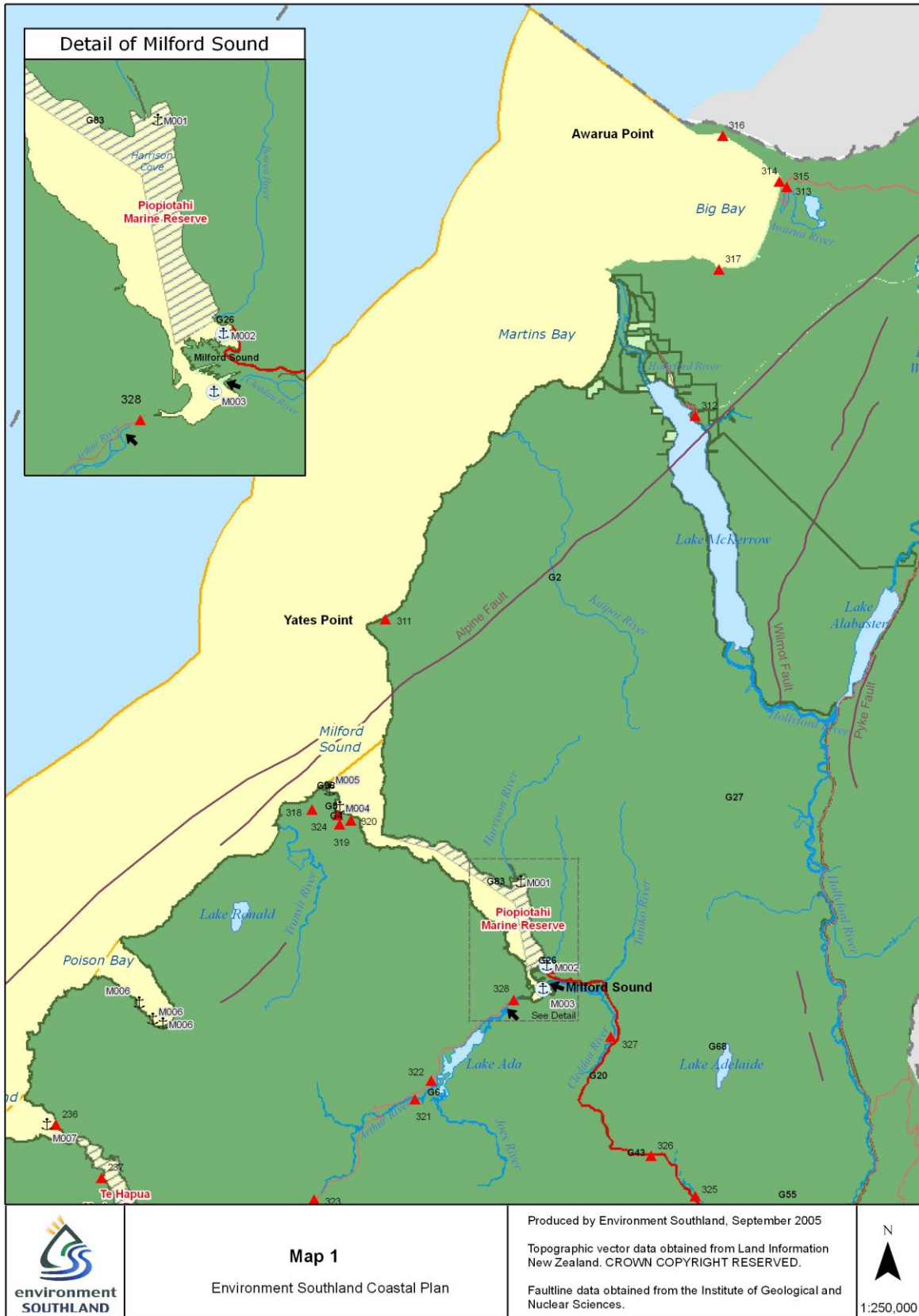
Appendix 3 - Maps

Key to Symbols

	Buoy
	Anchorage
	Wharf
	Geological Site
	Archeological Site
	CMA Boundary
	Wreck
	Fault line
	Power Line
	Silent File
	Other Road
	State Highway
	River
	Track
	Railway
	Residential Area
	Shellbank
	Marine Reserve
	Runway
	Marine Farm
	DoC Administered Land
	National Park Boundary
	ACSV Boundary
	Areas Containing Significant Values (ACSV)
	Regional Boundary



 <p>environment SOUTHLAND</p>	<p>Index to Maps</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:1,500,000</p>
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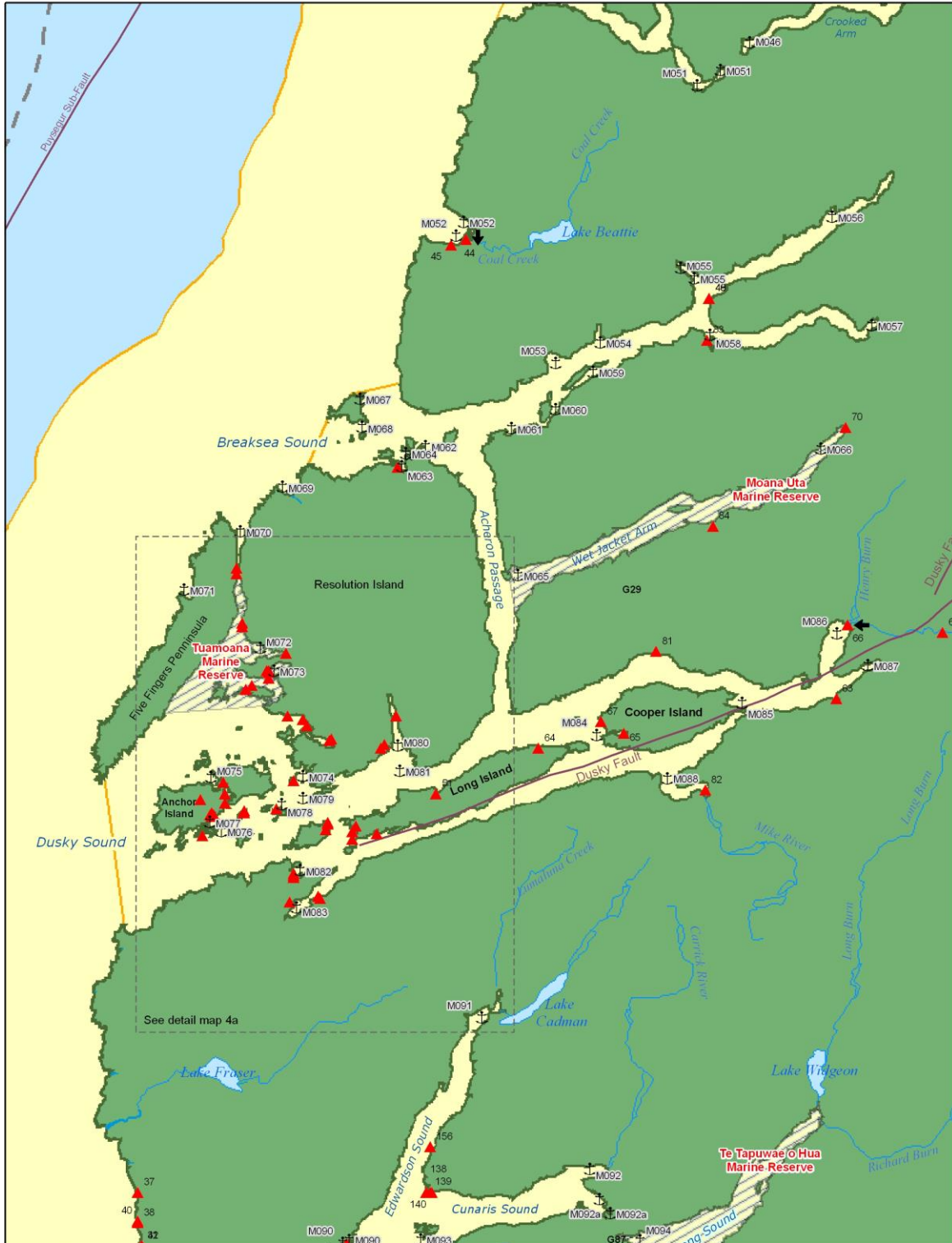






Map 3
Environment Southland Coastal Plan



Produced by Environment Southland, September 2005
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 Faultline data obtained from the Institute of Geological and Nuclear Sciences.

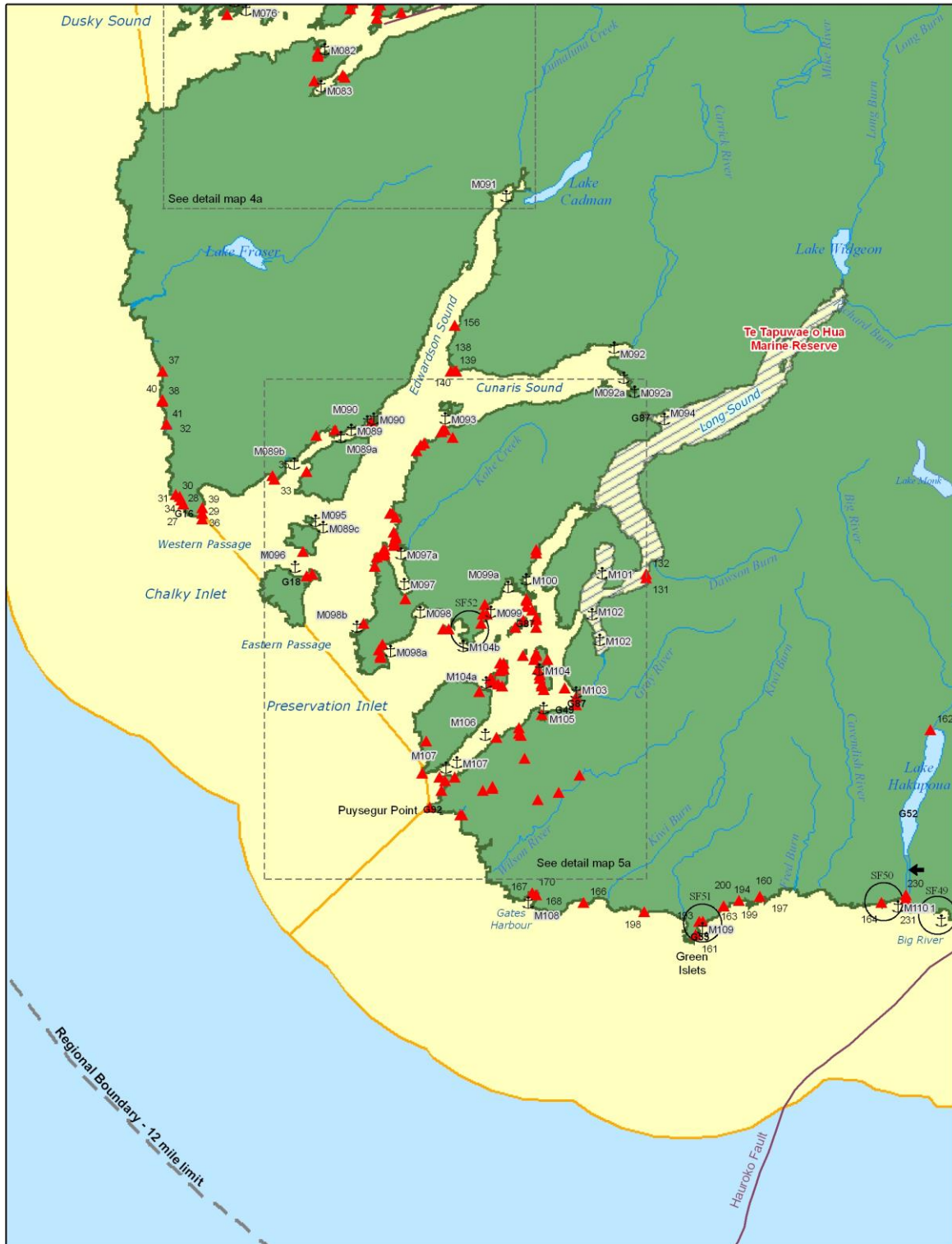
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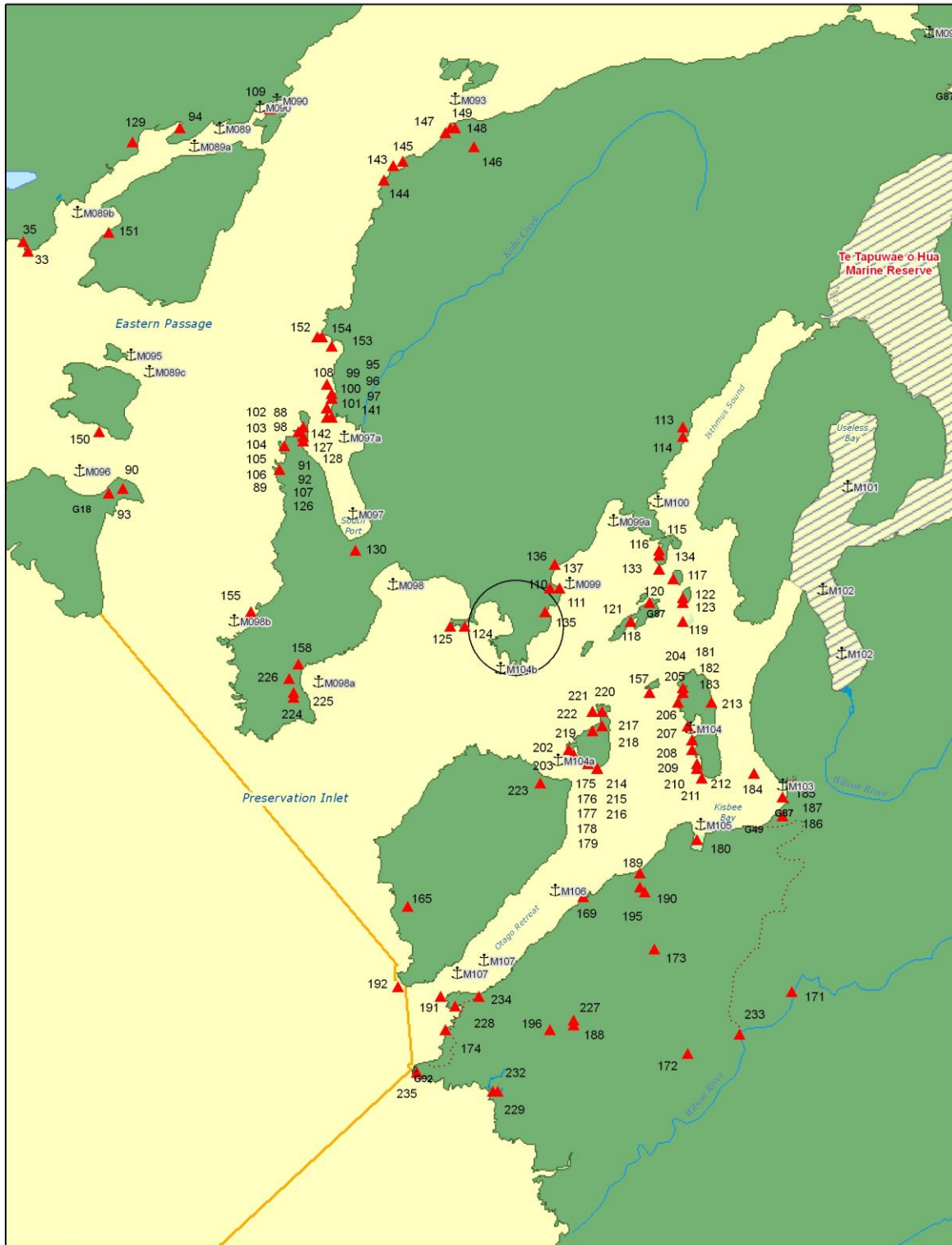
 <p>environment SOUTHLAND</p>	<p>Map 4</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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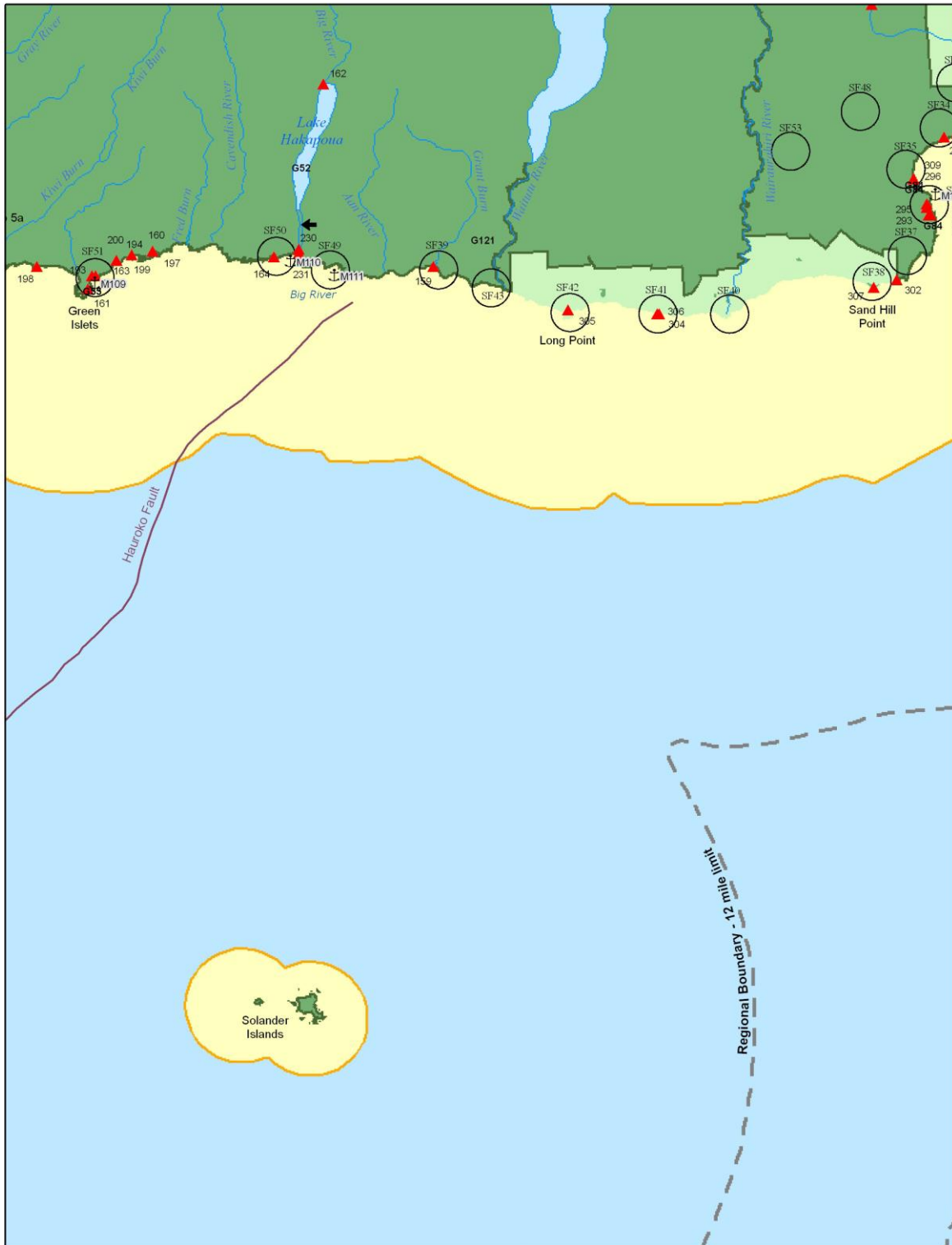
 <p>environment SOUTHLAND</p>	<p>Map 4a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:100,000</p>
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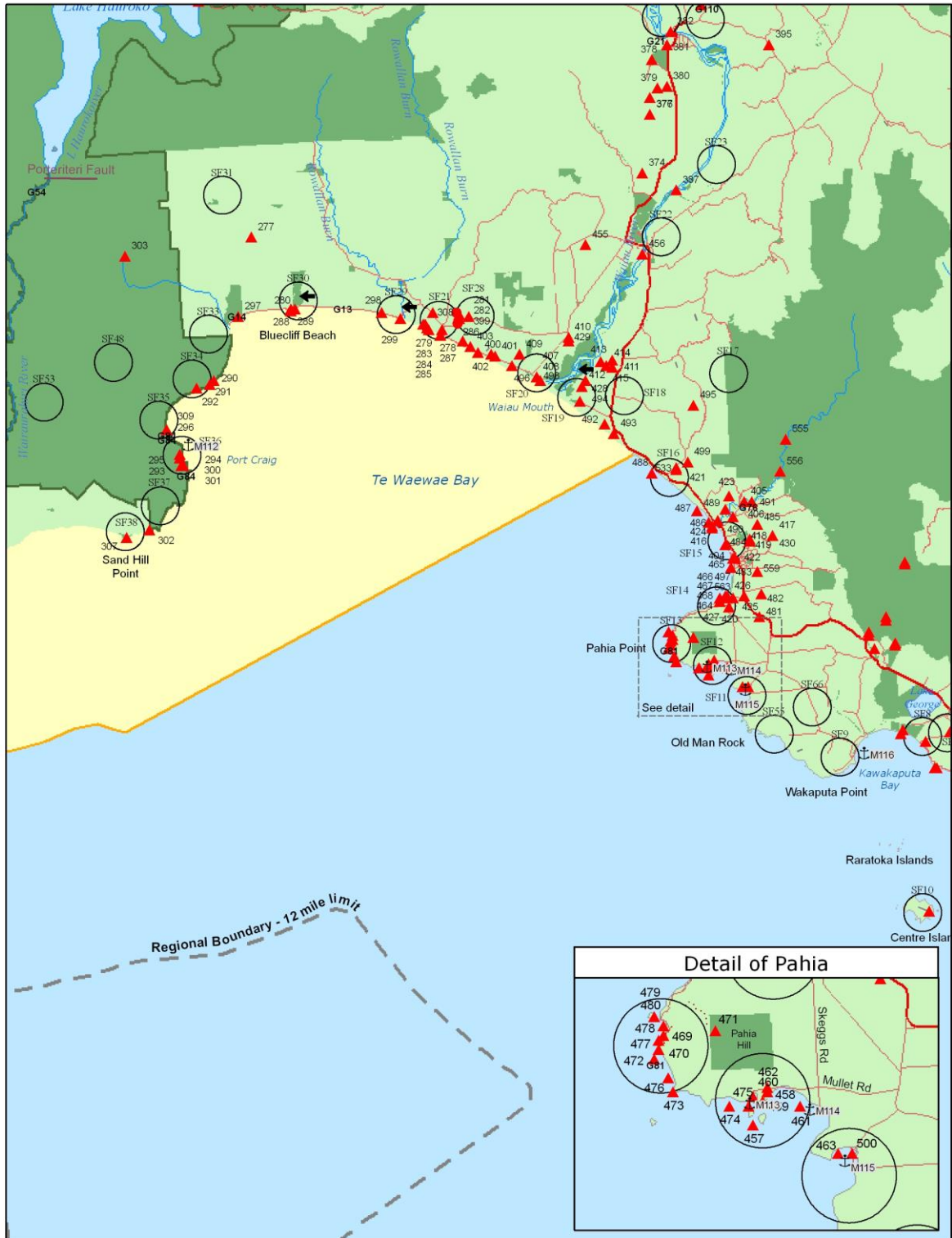
 <p>environment SOUTHLAND</p>	<p>Map 5</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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 <p>environment SOUTHLAND</p>	<p>Map 5a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:100,000</p>
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 <p>environment SOUTHLAND</p>	<p>Map 6</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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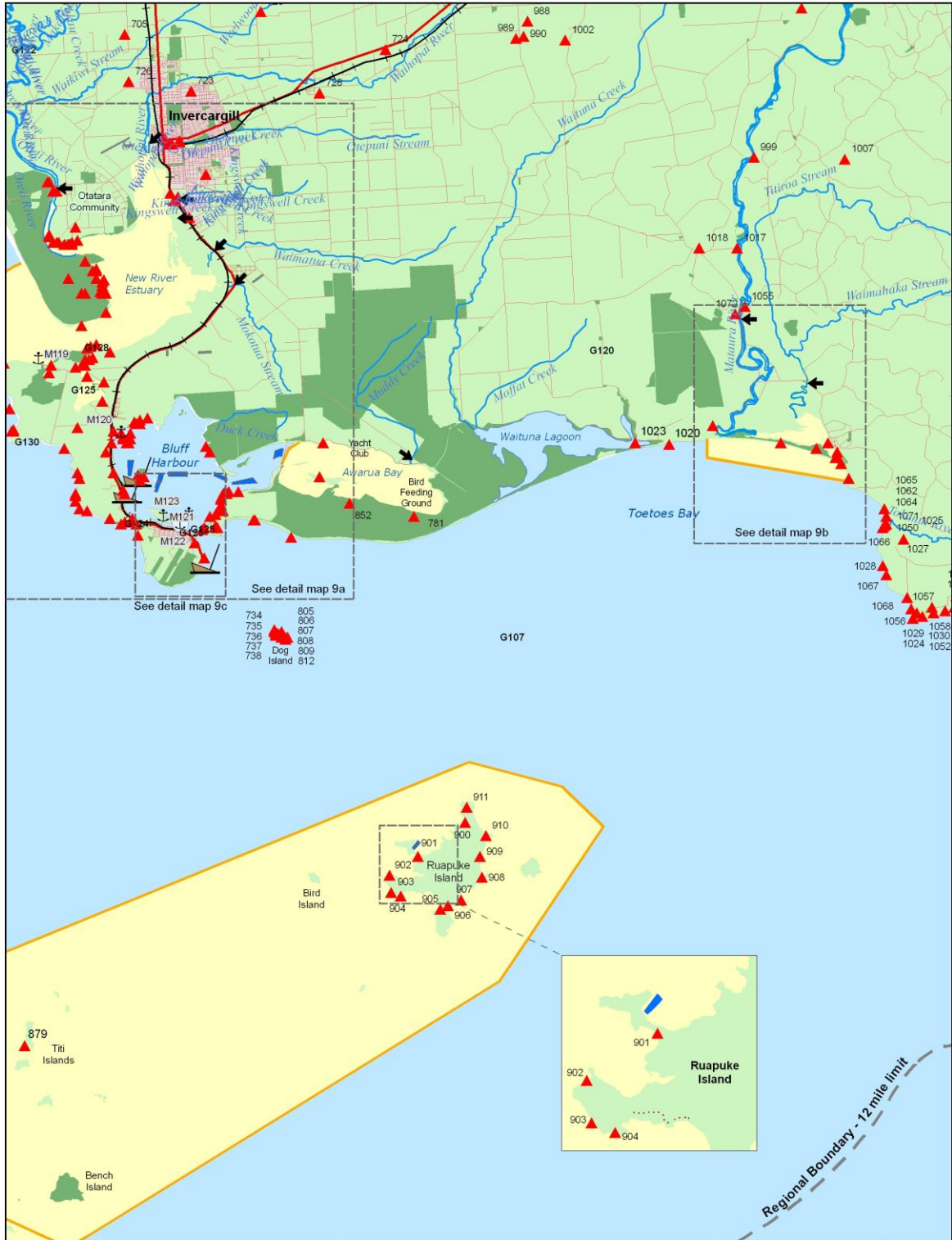
 <p>environment SOUTHLAND</p>	<p>Map 7</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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 <p>environment SOUTHLAND</p>	<p>Map 8</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, December 2009</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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 <p>environment SOUTHLAND</p>	<p>Map 8a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:100,000</p>
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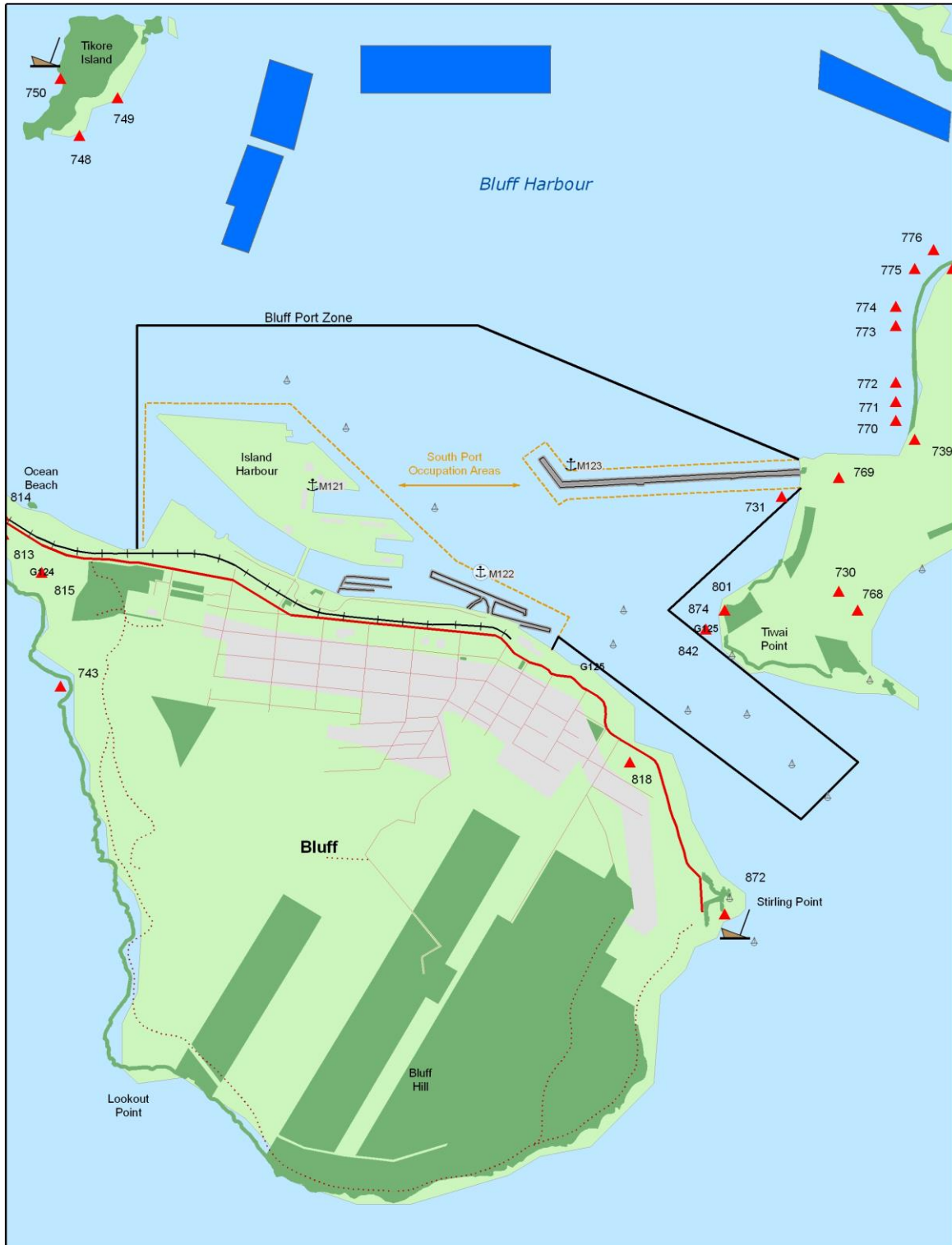
 <p>environment SOUTHLAND</p>	<p>Map 9</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, December 2009</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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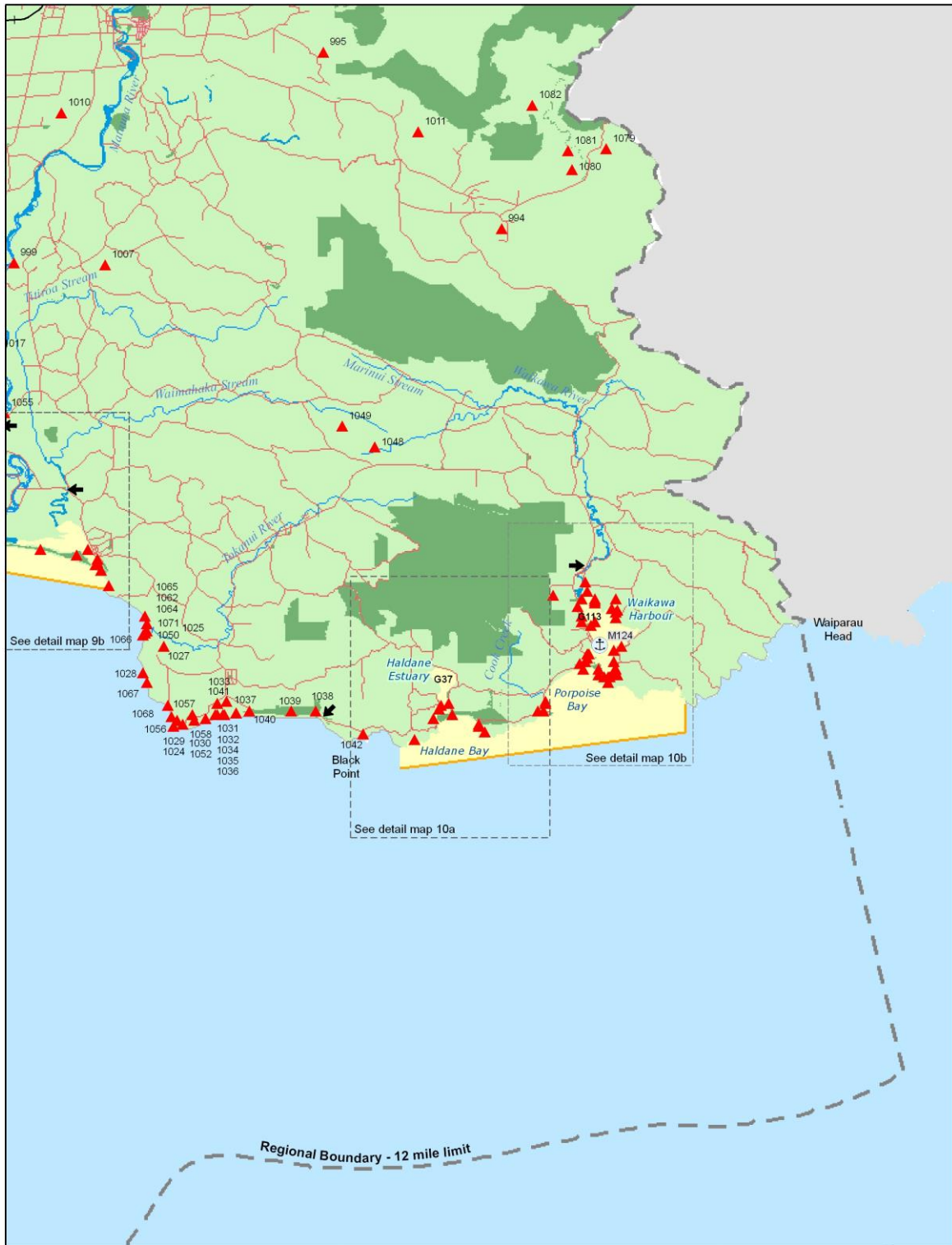
 <p>environment SOUTHLAND</p>	<p>Map 9a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, December 2009</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:100,000</p>
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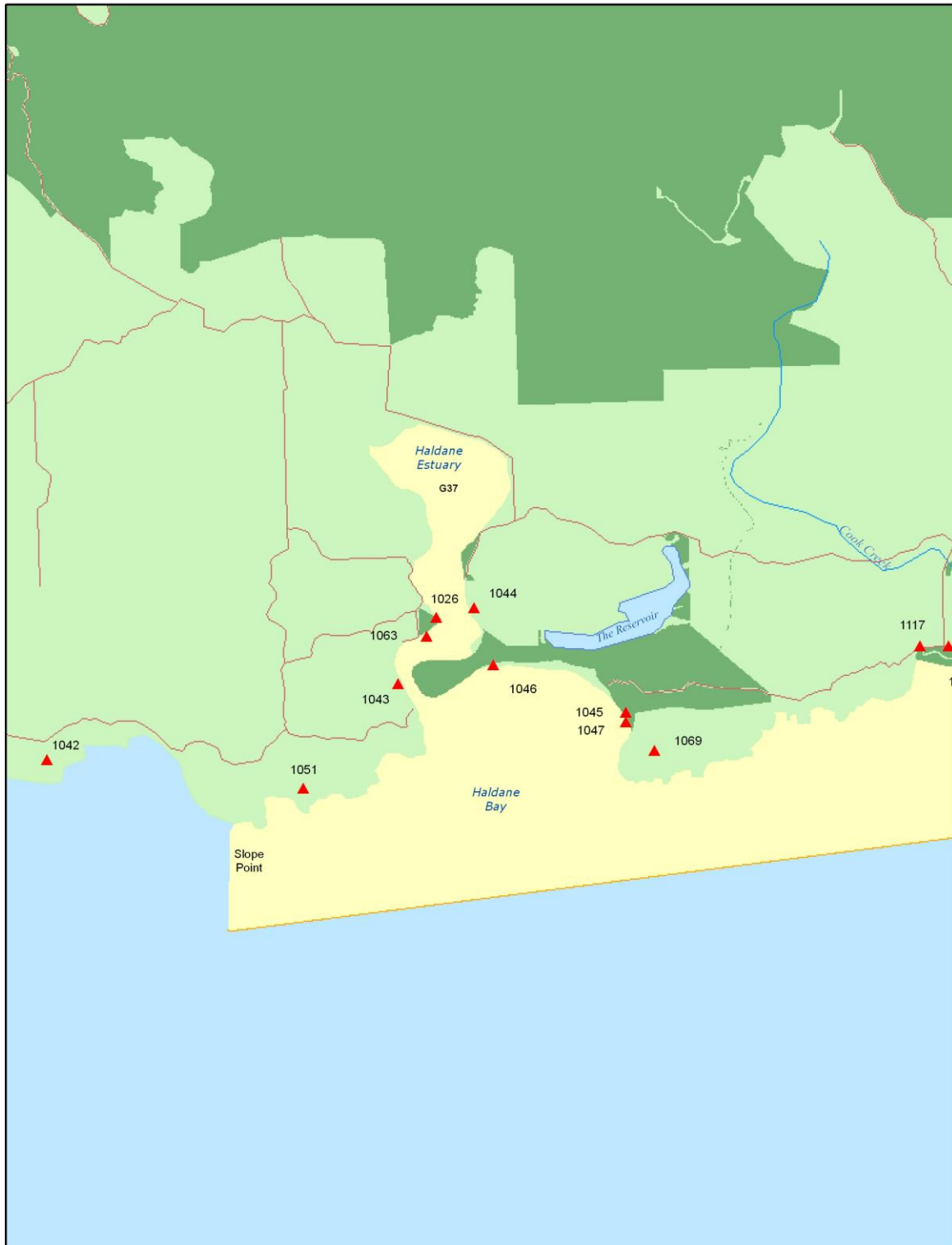
 <p>environment SOUTHLAND</p>	<p>Map 9b</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:50,000</p>
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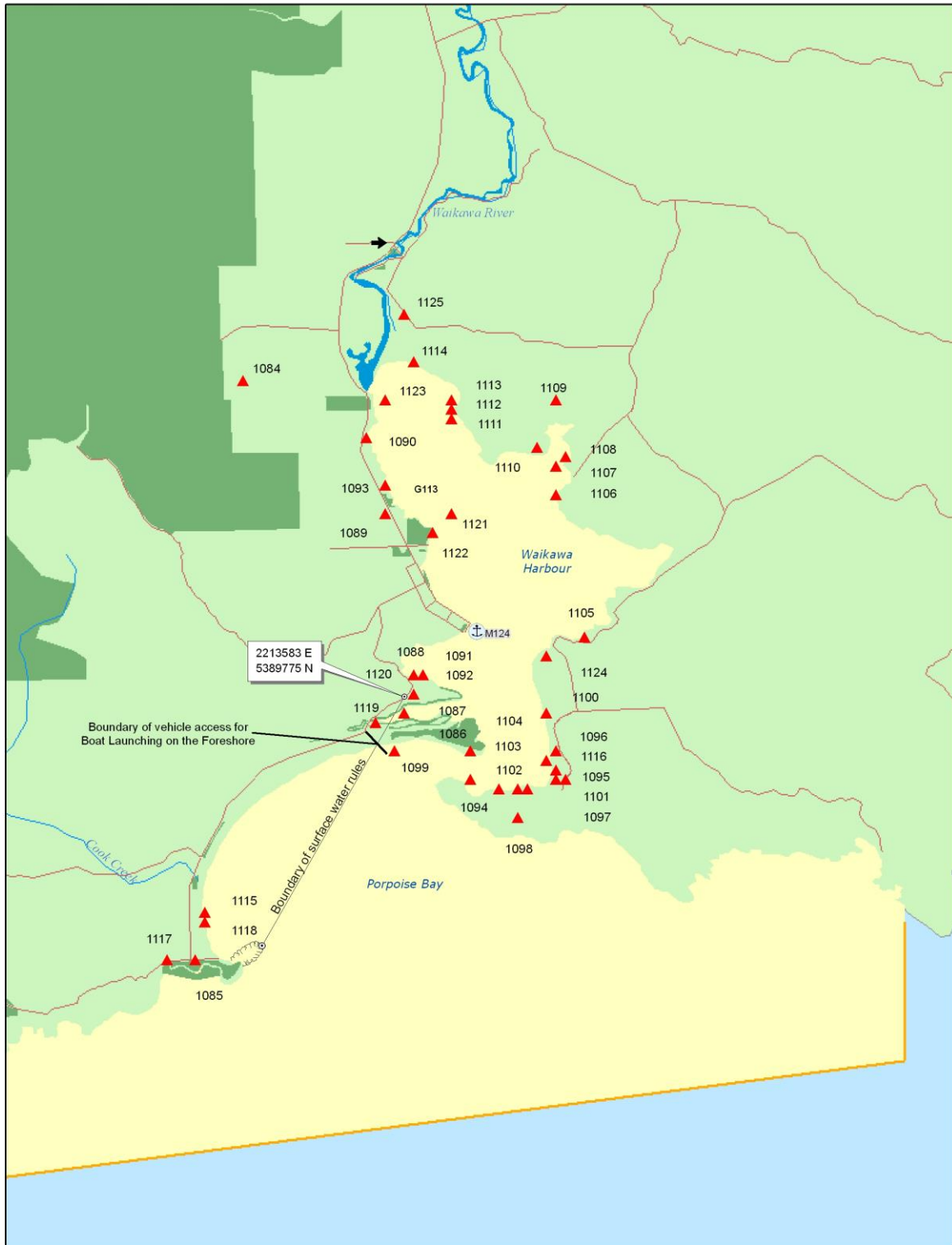
 <p>environment SOUTHLAND</p>	<p>Map 9c</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, December 2009</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:25,000</p>
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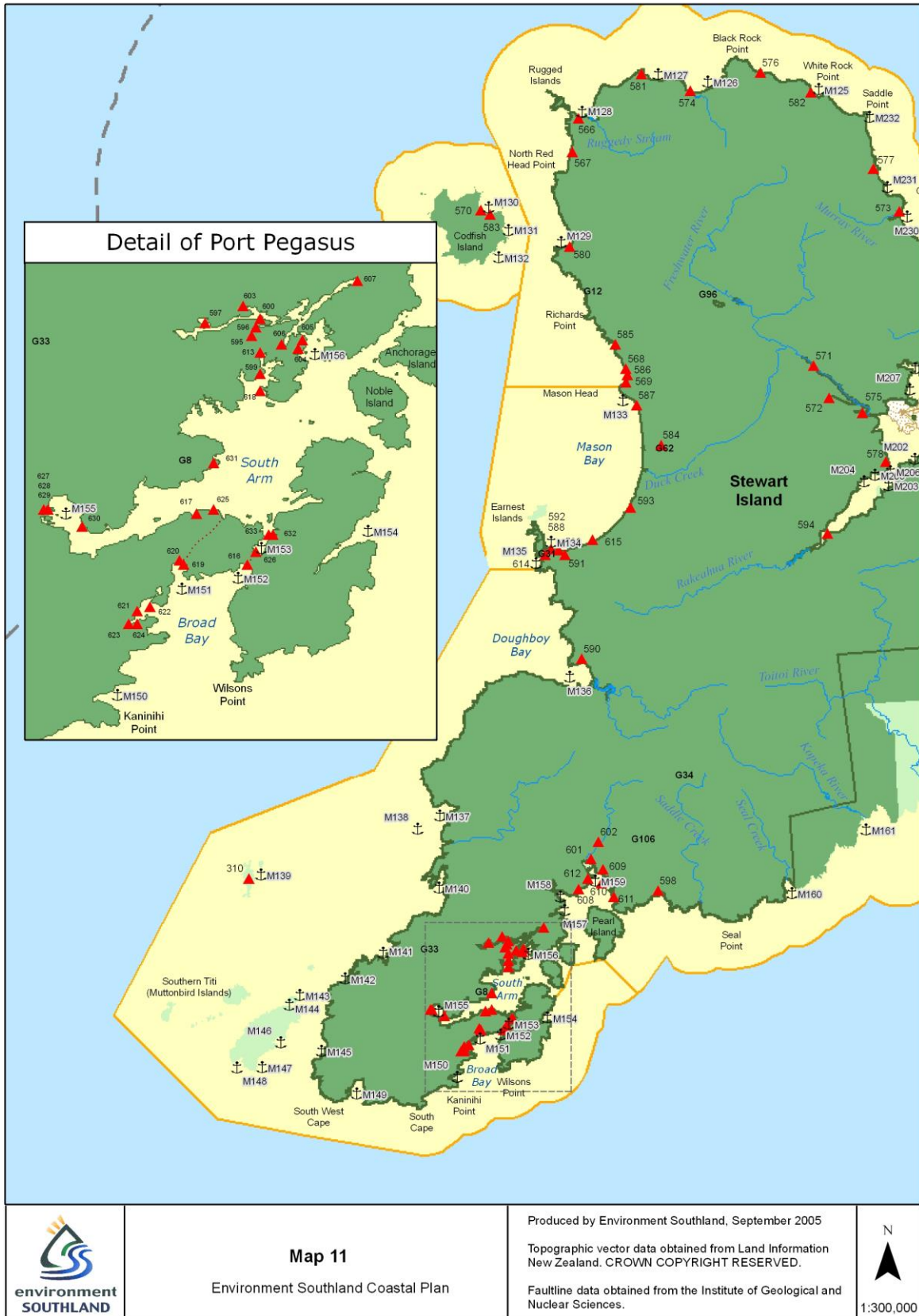
 <p>environment SOUTHLAND</p>	<p>Map 10</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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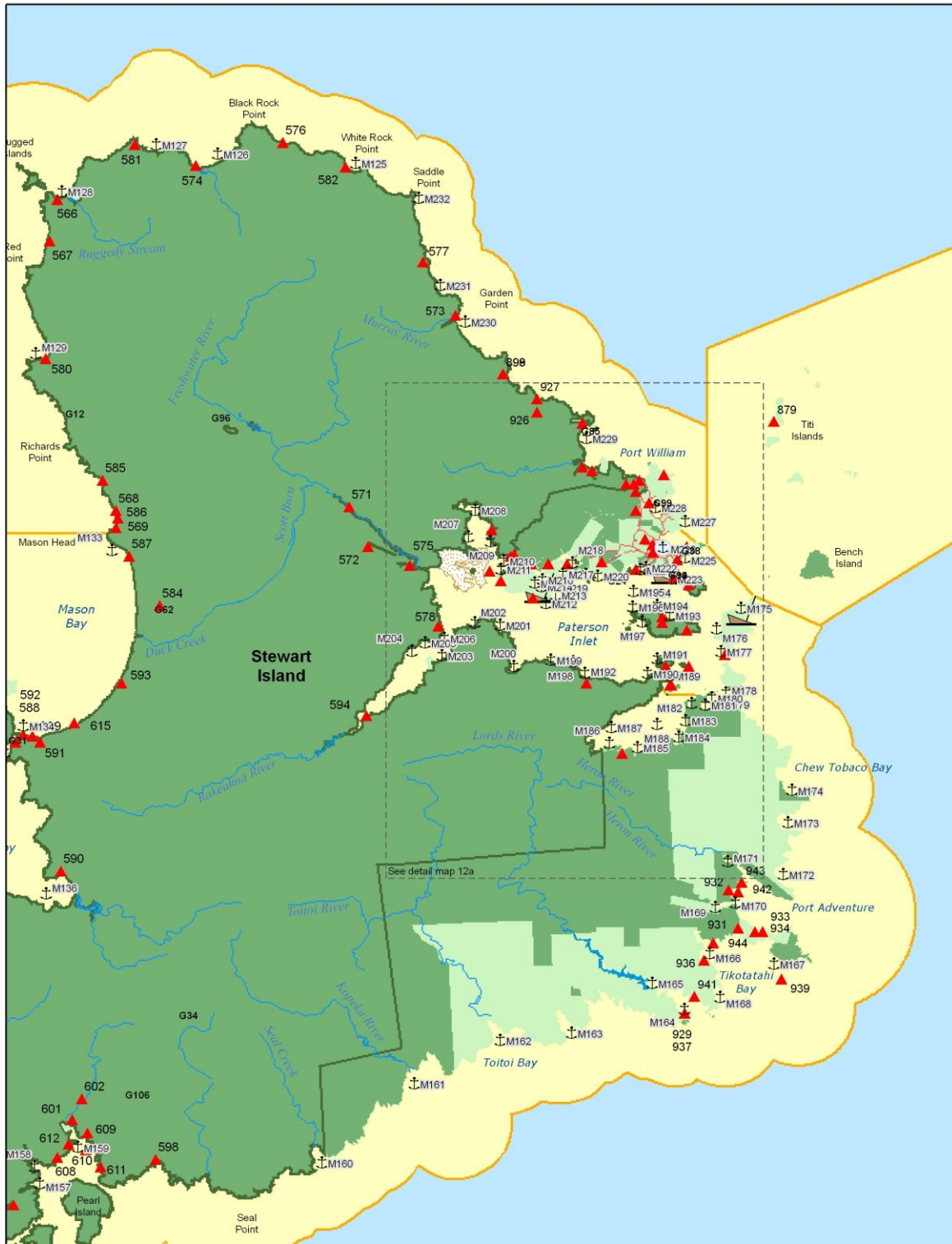




 <p>environment SOUTHLAND</p>	<p>Map 10a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:50,000</p>
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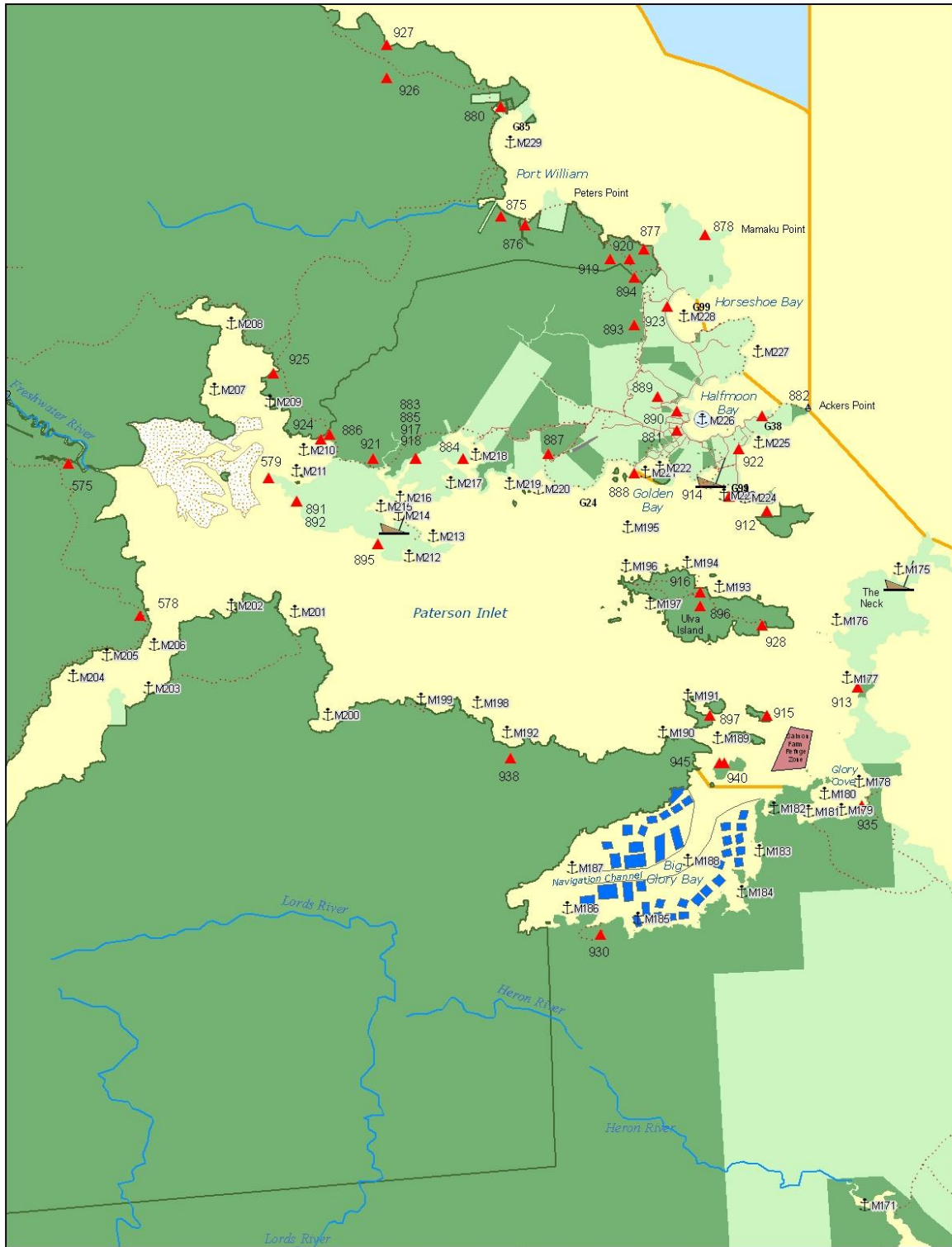




 <p>environment SOUTHLAND</p>	<p>Map 10b</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:50,000</p>
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 <p>environment SOUTHLAND</p>	<p>Map 12</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, September 2005</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:250,000</p>
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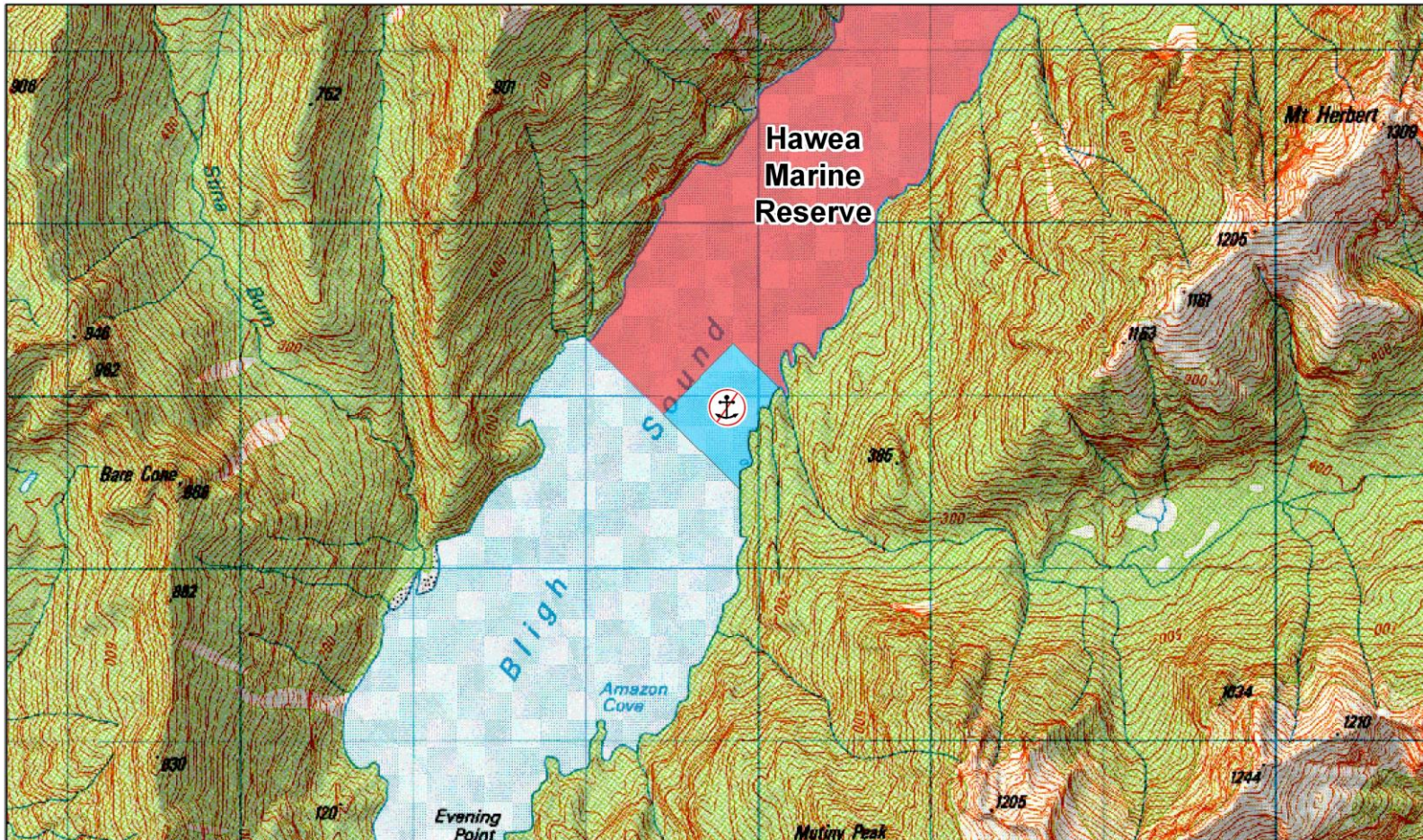


 <p>environment SOUTHLAND</p>	<p>Map 12a</p> <p>Environment Southland Coastal Plan</p>	<p>Produced by Environment Southland, December 2008</p> <p>Topographic vector data obtained from Land Information New Zealand. CROWN COPYRIGHT RESERVED.</p> <p>Faultline data obtained from the Institute of Geological and Nuclear Sciences.</p>	<p>N</p>  <p>1:100,000</p>
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Appendix 3A

Maps





Coordinates for Prohibited Anchoring Area in New Zealand Map Grid

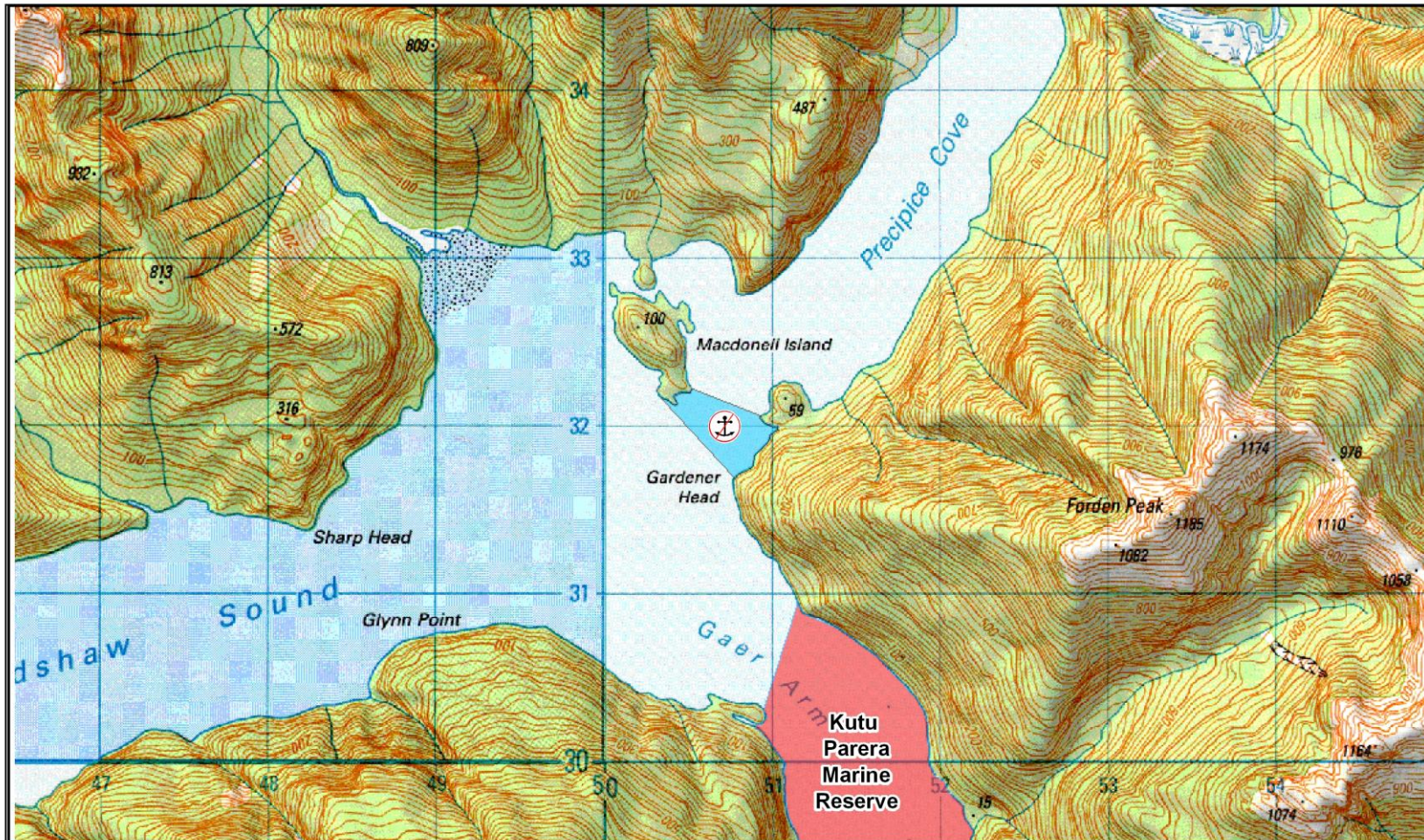
Location	Easting	Northing
North Point	2076854	5583312
West Point	2076452	5582898
East Point	2077122	5583053
South Point	2076898	5582466

Map 2
Bligh Sound
 Prohibited anchoring area - Clio Rock
 Rule 11.7.7.13 Southland Regional Coastal Plan as inserted by the
 Fjordland (Te Moana o Atawhenua) Marine Management Act 2005
 Date: 7 March 2005


 N
 1 : 30000

DATA SOURCE: E.S. GIS 2005
 Topographical & Cadastral Information sourced
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Coordinates for Prohibited Anchoring Area in New Zealand Map Grid

Location	Easting	Northing
North Point	2050515	5532230
West Point	2050335	5532070
East Point	2050335	5532070
South Point	2050770	5531690

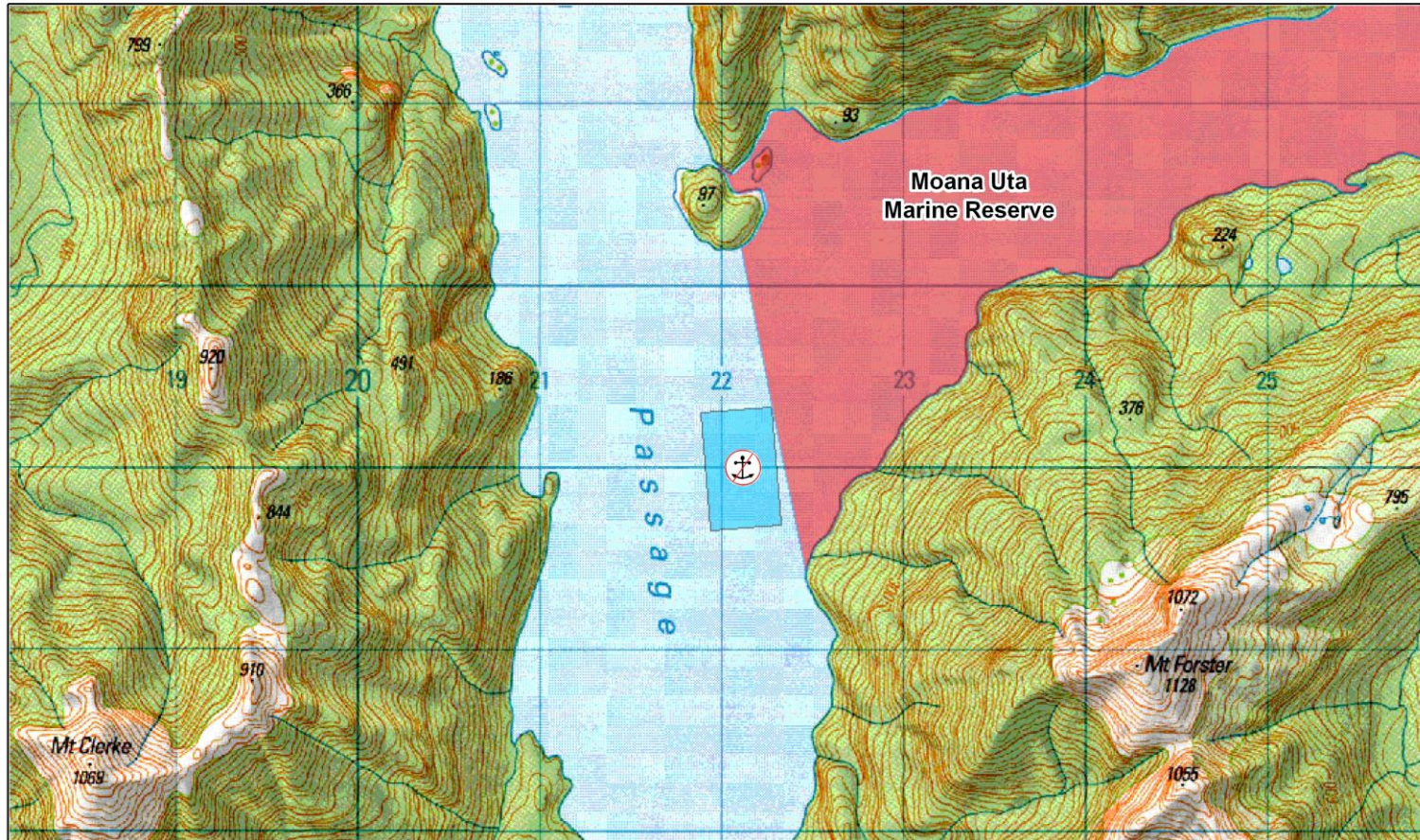
**Map 3
Bradshaw Sound**

Prohibited anchoring area - between Macdonell Island and Gardener Head
 Rule 11.7.7.13 Southland Regional Coastal Plan as inserted by the
 Fiordland (Te Moana o Atawhenua) Marine Management Act 2005
 Date: 7 March 2005



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Coordinates for Prohibited Anchoring Area in New Zealand Map Grid

Location	Easting	Northing
North West Point	2021880	5485303
West East Point	2022268	5485333
South West Point	2021930	5484657
South East Point	2022318	5484687

Map 4

Acheron Passage / Wet Jacket Arm

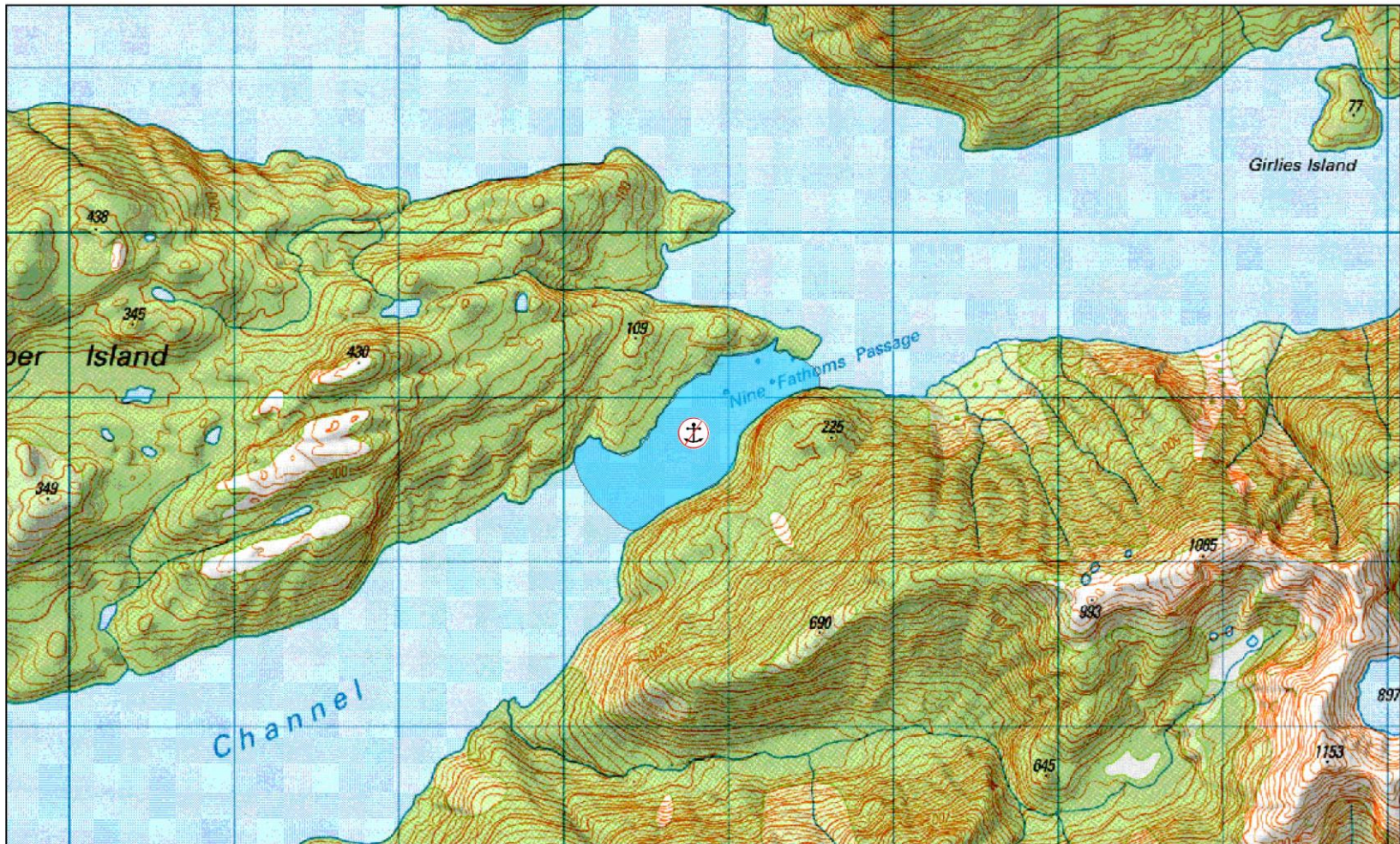
Prohibited anchoring area - at the intersection of Acheron Passage and Wet Jacket Arm between Breaksea and Dusky Sounds
 Rule 11.7.7.13 Southland Regional Coastal Plan as inserted by the Fjordland (Te Moana o Atawhenua) Marine Management Act 2005
 Date: 7 March 2005



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**Map 5
Dusky Sound**

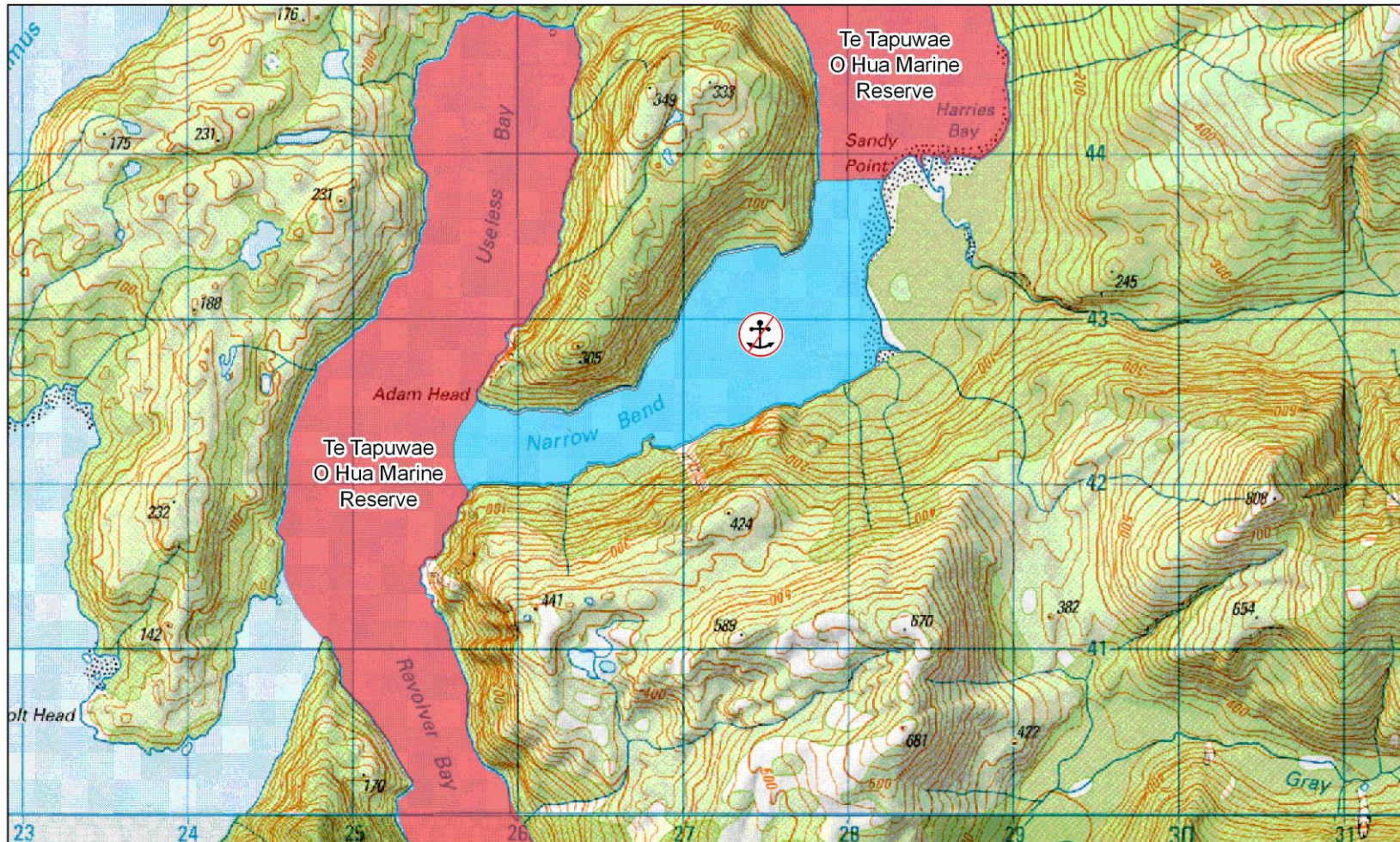
Prohibited anchoring area - Nine Fathoms Passage, off Cooper Island
 Rule 11.7.7.13 Southland Regional Coastal Plan as inserted by the
 Fjordland (Te Moana o Atawhenua) Marine Management Act 2005
 Date: 7 March 2005



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Map 6
Long Sound
 Prohibited anchoring area - Narrow Bend from Adam Head to Sandy Point
 Rule 11.7.7.13 Southland Regional Coastal Plan as inserted by the
 Fjordland (Te Moana o Atawhenua) Marine Management Act 2005
 Date: 7 March 2005



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APPENDIX 4

Coastal Landscape Assessment

Definition of Landscape

“The landscape reflects the cumulative effects of physical and cultural processes” (*New Zealand Institute of Landscape Architects 1978*)

Alan Petrie
Regional Landscape Architect
Department of Conservation
Dunedin

EXPLANATION OF NATURALNESS RATING

A naturalness rating is given for each landscape unit.

The term “natural character” is looked at in a broad continuum from where the original natural processes and ecosystems are completely intact through to more modified coastlines where human intervention becomes more obvious.

The naturalness ratings commence at five (natural in an indigenous context) through to one (developed). There may also be a plus sign (+) after the numerical scale. This represents the areas which are in between the scales and are on the continuum between the single figure scale. Having a plus sign (+) on the scale allows for the assessment to be fine-tuned.

5	4	3	2	1
Natural	Semi-Natural	Modified	Cultural	Developed

Natural (5)

high inherent value and where the original characteristics of the landscape are still completely intact. All human elements (huts) and activities (tramping) are subservient in the wider context.

Semi-Natural (4)

high inherent values and where indigenous characteristics are still dominant, but where some localised modifications have occurred to the original character.

Modified (3)

reasonable balance has been struck between the retention of the original vegetation and production.

Cultural (2)

extensively modified primarily for farming purposes, and where a network of roads and services are well developed. There is usually a scattering of homesteads and farm buildings present, surrounded by shelter planting. Can accommodate further change, as long as these alterations are both in harmony and scale with the surrounding coastal environment.

Developed (1)

severely modified and manipulated for human/cultural purposes.

KEY LANDSCAPE ELEMENTS

- Long curving bay with prominent sandy beach.
- High narrow dunelands.
- Water-logged plains.
- High hills.

DISTINCTIVE FEATURES

- A well integrated unit, with a diversity of natural features.
- Visually contained by the surrounding high hills, clad in mixed native forest.
- Contains regenerating shrublands and wetland vegetation.
- Contains Curio Bay, a nationally significant geological feature.

CULTURAL ELEMENTS

- Curio Bay camping ground, with its distinctive flax shelter.
- Coastal ribbon subdivision, with mainly holiday houses overlooking the sea.
- A scattering of homesteads and auxiliary farm buildings.

NATURALNESS RATING

- 3+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Sand mining.
- Further coastal subdivision.
- Further intensive recreational activities through the fragile dunes.
- Wetland drainage.
- Clearing of native forest to the skyline.
- Intrusive coastal protection work such as rock groynes.



KEY LANDSCAPE ELEMENTS

- Long headlands with rocky sea cliffs.
- Indented sandy bay.
- Estuary with tidal salt-marshes.
- Sand-country ponds and lagoons.
- High hills with small forest remnants.

DISTINCTIVE FEATURES

- A diversity of “drowned” coastal features.
- Modifications to natural cover very apparent.
- This unit conveys a strong sense of place, with memorable coastal views.

CULTURAL ELEMENTS

- Small camping ground.
- Scattering of farm homesteads.

NATURALNESS RATING

- 3

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further degradation to forest remnants.
- Further removal of riparian vegetation around estuaries.
- Loss of fringe species around small remnants of native forest.
- Any large scale plantation forestry on immediate skylines.
- Unsympathetic siting of structures on skylines.
- Sand extraction from dunelands.



KEY LANDSCAPE ELEMENTS

- A long sandy beach.
- Continual coastal dunelands with frequent water ponding.
- Peatlands.
- Sand plains modified by intensive farming.

DISTINCTIVE FEATURES

- The impeded drainage has helped to form a number of freshwater features.
- The severity of the coastal wind is vividly illustrated by the wind-shorn shelter planting.
- Local streams have a distinctive brackish colour.
- The hard edge between the coastal margin and farmland.

CULTURAL ELEMENTS

- Occasional homestead and auxiliary farm building.
- Waipapa Point lighthouse.
- Historic cemetery.

NATURALNESS RATING

- 3

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Sand extraction from fragile dunelands.
- Unsympathetic siting of buildings.
- Further drainage of peatlands and coastal ponds.
- Large scale plantation forestry.
- Further loss of buffer zone around coastal ponds.



KEY LANDSCAPE ELEMENTS

- Low headlands with offshore reefs.
- Series of gravely beaches.
- Narrow strip of dunelands in sheltered bays.
- Undulating sand-country.

DISTINCTIVE FEATURES

- Modifications to natural cover very apparent.
- Farmland to the edge of headlands.
- Local flax shelter planting.
- The golden colour of the gravel and the brackish colour of the streams.
- Reverting shrublands over peatland.

CULTURAL ELEMENTS

- Fortrose township.
- Occasional homestead and auxiliary farm building.

NATURALNESS RATING

- 2+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Sand mining.
- Coastal hard rock quarrying.
- Further intensive use of fragile sand-country.
- Large scale plantation afforestation.
- Siting of structures in landscape sensitive areas such as immediate skylines and coastal margin.



KEY LANDSCAPE ELEMENTS

- The extensive shingle beaches and gravel bars.
- Dunelands with associated native grasses.
- Coastal plains with peat bogs.
- Lagoon and river estuary with associated salt-marshes and mudflats.

DISTINCTIVE FEATURES

- The strong horizontal lines of all the natural features and elements.
- The diversity of “soft” coastal processes.
- The diversity of wildlife habitats.
- The high visual intrusion of all structures and exotic trees.
- The extreme isolation and remoteness qualities.
- Marginal farms encroaching on to peatlands.
- The contrast in water colour between the brackish freshwater and the azure blue of the sea.

CULTURAL ELEMENTS

- Tiwai Point Smelter and infrastructure.
- Scattering of fishing cribs.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- All vertical structures and elements may be incompatible within this unit, e.g. towers, pylons, high buildings, exotic tree planting.
- Further drainage to the wetlands.
- Any intensive land use of the fragile coastal elements.
- Reduction in the buffer zone around the margins of the wetlands.
- Sand and gravel extraction around lagoon margins.
- Further infestation of weed species over peatlands.



KEY LANDSCAPE ELEMENTS

- Dome shaped high hill clad in mixed shrublands.
- Low hills clad in reverting shrublands and open grass.
- Small rocky bays with offshore reefs and stacks.

DISTINCTIVE FEATURES

- Bluff Hill is a coastal beacon that can be clearly seen from many parts of Southland.
- The back beach conveys semi-wilderness qualities, the sea being a powerful and dominating feature.
- Man-made impacts subordinate to the overall naturalness of the area.

CULTURAL ELEMENTS

- Walking track network.
- Extensive farming, has a low impact on the coastal environment.
- Ocean Beach Freezing Works - contained within a development enclave.

NATURALNESS RATING

- 4

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Siting of structures in sensitive areas such as on skylines and along coastlines.
- Further degradation of coastal shrublands.
- Any extension of local roading.
- Modifications to rocky bays, e.g., rock quarrying.



KEY LANDSCAPE ELEMENTS

- Coastal hills clad in a mixture of native shrublands and grasslands.
- Coastal bluffs with prominent rocky outcrops.
- Sea cliffs with jagged reefs.
- A series of small sandy beaches.
- Secondary dunelands, e.g. Three Sisters.

DISTINCTIVE FEATURES

- Contains a diversity of “soft” and “hard” coastal features.
- The unit’s exposure and buffeting from the prevailing wind is reflected in the wind-shorn vegetation.
- The marginal farming conditions have helped to protect this coastline’s integrity, i.e., few man-made impacts.

CULTURAL ELEMENTS

- Omaui township (northern edge of unit).
- Mokomoko holiday camp.
- A scattering of farming auxiliary buildings.
- Hard rock quarried (edge of coastal margin).

NATURALNESS RATING

- 4

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further intensive use over the fragile dunelands.
- Siting of man-made structures along the visual coastal margin.
- Sand mining or hard rock quarrying along this unmodified coastline.
- Block plantation forestry
- Any extensions to roading network.



KEY LANDSCAPE ELEMENTS

- Long curving beach.
- Narrow strip of primary dunelands.
- Sand plains intensively farmed.
- River mouth with backwater.
- Duneland ponds and peatlands.

DISTINCTIVE FEATURES

- A coherent landscape unit, with its curving beach and continuous sand-dunes.
- Lack of structures along the coastal margin.
- The extent of modifications to the sand plains for farming purposes.

CULTURAL ELEMENTS

- Small pockets of houses, e.g., Curran Town.

NATURALNESS RATING

- 3

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further coastal subdivision.
- Intensive land uses on fragile dunelands.
- Further breaching of dunelands for beach access.
- Intensive recreational activities over dunelands.
- Any coastal protection such as groynes.
- Any coastal structures such as wharves.
- Any sand extraction in the primary dunelands.



KEY LANDSCAPE ELEMENTS

- A series of sheltered bays with sandy beaches.
- High hills with the ridgeline clad in mixed shrublands.
- Small headlands with rocky outcrops.
- Estuary with sandbar.

DISTINCTIVE FEATURES

- The coastal margin being highly modified for seaside recreational activities, e.g. children's playgrounds, car parks and both formal and informal picnic areas.
- The visually pleasing balance struck between this coastal settlement and its pastoral backdrop.
- The similarity in building style, scale and colour of the mainly holiday houses.
- The strong maritime "flavour" of the settlement, with its frequent dumps of fishing gear and small boats parked on lawns.

CULTURAL ELEMENTS

- Riverton Rocks holiday settlement.
- Fishing industry infrastructure.

NATURALNESS RATING

- 1+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further intensive development along the coastal margin, e.g., public toilets and sealed car parking.
- The introduction of larger-scaled buildings into this low-key holiday settlement.
- Quarry rock coastal protection work.
- Coastal reclamation.
- Further residential development above existing subdivision line.



KEY LANDSCAPE ELEMENTS

- High hills, extensively clad in mixed native forest.
- Rocky outcrops.
- Small rocky bays with offshore reefs and stacks.
- A low headland with several sandy beaches.

DISTINCTIVE FEATURES

- Rough pasture with reverting shrublands.
- Conveys a feeling of remoteness and semi-wilderness.
- Shrublands wind-shorn by buffeting westerly winds.

CULTURAL ELEMENTS

- Very few human impacts or structures.
- Extensively grazed, with few fencelines.

NATURALNESS RATING

- 4

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Unsympathetic roading or farming tracking.
- Insensitive siting of structures.
- Further clearing of shrublands.
- Continuous shelter planting.
- Rock quarrying.
- Infestation of weed species.



KEY LANDSCAPE ELEMENTS

- Long curving beach.
- Narrow primary dunes.
- Coastal plains.
- Protruding headlands.

DISTINCTIVE FEATURES

- Panoramic views from many points around the bay.
- The sea is a very dominant feature.
- The extent of modifications to the coastal margin.

CULTURAL ELEMENTS

- Coastal ribbon development - Colac Bay.
- Coastal roading.
- Coastal protection, e.g. rock walling.

NATURALNESS RATING

- 2+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Sand extraction from the primary dunes.
- Intrusive coastal protection, e.g. rock groynes.



KEY LANDSCAPE ELEMENTS

- Wide curving beach, contained by headlands.
- Primary dunelands and salt-marshes.
- Wet coastal plain.
- Lake George with surrounding peatlands.

DISTINCTIVE FEATURES

- Physical and visual integrity still intact, i.e. few dwellings.
- Surrounding low density farming pattern helps to convey a feeling of remoteness.
- A feature is the offshore stacks and islands.
- The obvious connection between Lake George and the coastal processes.

CULTURAL ELEMENTS

- Farm homesteads.
- Abandoned railway line.

NATURALNESS RATING

- 3+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further coastal subdivision.
- Drainage of salt-marshes and peatlands.
- Sand mining or intensive use of primary dunelands.
- Unsympathetic siting of structures along the headlands.
- Introduction of large scale plantation forestry.



KEY LANDSCAPE ELEMENTS

- High rounded hills, e.g. Pahia Hill.
- Low headlands with offshore reefs and islands, e.g. Old Man Rock.
- Shelter coves with rocky bays.

DISTINCTIVE FEATURES

- A robust section of coastline, exposed to big stormy seas, the continual westerly swell being a feature.
- Pastoral farming extends to the coastal edge.
- The native shrublands are a highly visible feature on Pahia Hill that can be seen from many parts of Southland.

CULTURAL ELEMENTS

- Farm homesteads found on the leeward side of shelter planting.
- Nestled around the sheltered waters of Cosy Nook are several holiday cribs, along with an assortment of structures associated with the fishing industry.
- The cove has a distinctive maritime character, i.e. fishing village scale.

NATURALNESS RATING

- 2+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further removal of coastal forest.
- Further building at Cosy Nook, or existing buildings extended upon.
- Large scale plantation forestry.



KEY LANDSCAPE ELEMENTS

- Sweeping gravel beach.
- Vertical sea cliffs.
- Small river mouths.
- Coastal lowlands.

DISTINCTIVE FEATURES

- Intensive farmland to the edge of the sea cliffs.
- Panoramic views of western Southland and southern coastline.
- Distinctive local flax shelter planting.
- Wind-shorn macrocarpa trees.
- The ceaseless rolling of the westerly seas.

CULTURAL ELEMENTS

- Township of Orepuki.
- Farm homesteads on the leeward side of intensive shelter planting.

NATURALNESS RATING

- 2+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Continuous shelter planting adjacent to the sea cliffs.
- Buildings or structures that would impinge on the immediate coastal skyline.
- Coastal protection that would intrude out from the beach.



KEY LANDSCAPE ELEMENTS

- Long straight gravelly beach.
- Narrow gravel plain covered in native shrublands.
- Continuous sea cliffs.
- A series of marine terraces.
- Coastal plains, intensively farmed.
- The Waiau River mouth with its gravel bar and lagoon.

DISTINCTIVE FEATURES

- Forms an important transition zone between the more modified coastal strip and the natural areas of western Southland.
- Has a diversity of coastal depositional landforms which are clearly noticeable due to the removal of the native vegetation.
- Forms the middle ground to the panoramic views seen from the Orepuki landscape unit.

CULTURAL ELEMENTS

- Coastal roading.
- Coastal subdivision.
- Car wrecking site.

NATURALNESS RATING

- 3

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further clearing of coastal shrublands, i.e. loss of the existing integration between the natural and more modified landscape.
- Unsympathetic siting of building and structures along the immediate coastal skyline.



KEY LANDSCAPE ELEMENTS

- Narrow sandy beach with creek deltas.
- Coastal cliffs clad in mixed shrublands.
- Coastal cliffs clad in mixed forest.
- Sand spit with patches of pingao.

DISTINCTIVE FEATURES

- Natural edge to the southern coast wilderness area.
- A more sheltered section of the coastline, protected from the south-westerly winds.
- Some enclaves of forestry clearing away from the coastal margin do not detract from the overall impression of naturalness of the local coastal environment.

CULTURAL ELEMENTS

- Walking track.
- Tramping hut (the old school).
- Signs of early sawmilling.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Any removal of coastal shrublands and forest.
- Any loss in forest health or environmental quality.
- Introduction of exotic species, e.g., marram grass at Sandy Hill Point.
- Any high impact development.



KEY LANDSCAPE ELEMENTS

- Inter-tidal platforms and rocky reefs.
- Small sandy bays.
- River mouths and lowlands.
- A series of marine terraces clad in podocarp forest.

DISTINCTIVE FEATURES

- The diversity of natural features and conspicuous natural processes.
- This landscape unit, both in a physical and visual context, is well integrated with surrounding natural areas.
- Outstanding coastline continuously buffeted by westerly gales and frequent squalls.
- Conveys a strong impression of wilderness and isolation.

CULTURAL ELEMENTS

- Walking track.
- Low key tramping huts.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Any clearing of native vegetation that would expose the understorey vegetation to the natural elements.
- Any infestation of weed species.
- Loss of forest health and overall environmental quality.
- Formation of roading.
- Any unsympathetic siting of buildings.
- Any open-cast mineral extraction.



KEY LANDSCAPE ELEMENTS

- Irregular, indented coastline.
- High coastal hills with valleys containing fast flowing streams.
- Stunted podocarp forest and wind-swept shrublands.
- Outer coastline has numerous islands, stacks and offshore reefs.

DISTINCTIVE FEATURES

- Strong impression of isolation and remoteness.
- Wild and scenic seascapes, especially around the entrance to the sounds.
- Water ever present in the form of sea, rain and rivers.
- Outstanding wilderness qualities.

CULTURAL ELEMENTS

- Old Puysegur Point lighthouse.
- Onshore tourist lodge.
- Relics of early European settlement.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Any clearing of coastal vegetation that will expose the understorey vegetation to the natural elements causing the loss of overall forest health.
- Introduction of land-based facilities, e.g. fishing gear dumps.
- Introduction of water-based facilities, e.g. floating wharves.
- Weed contamination of environmentally sensitive areas, e.g. natural dune systems.
- Placement of installations in visually sensitive areas, such as skylines, bushlines and coastlines.
- Accumulation of coastal flotsam.



KEY LANDSCAPE ELEMENTS

- Intricate coastline with long narrow sounds.
- Inhospitable outer coast with stacks and reefs.
- U-shaped fiords with steep sea cliffs, hanging valleys with fast flowing streams and waterfalls cascading into the sounds.
- Mixture of luxuriant vegetation hanging on tenuously to the rock walls.
- Sheltered coves at the end of the sounds.

DISTINCTIVE FEATURES

- The combination of precipitous glacial landforms and large expanses of water create one of New Zealand's most dramatic natural landscapes.
- Overpowering scale of the glaciated landforms.
- Outstanding wilderness qualities.
- Ever presence of water, in the form of rain, sea, rivers and waterfalls.
- Strong impression of enclosure.

CULTURAL ELEMENTS

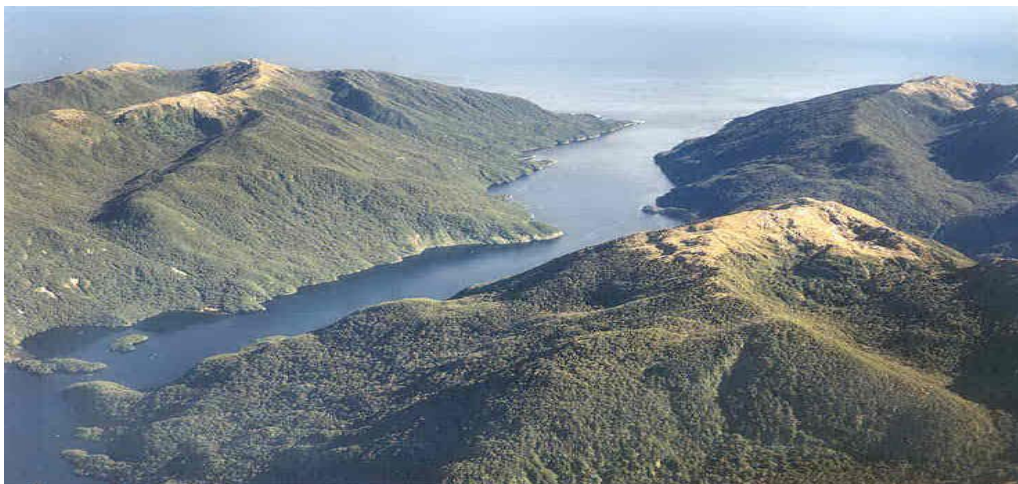
- Scattering of DOC huts.
- Nationally significant historic sites.
- Deep Cove hostel and fishing facilities
- Deep Cove tailrace.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Any clearing of coastal vegetation that will expose the understorey vegetation to the natural elements causing the loss of overall forest health.
- Introduction of land-based facilities, e.g. fishing gear dumps.
- Introduction of water-based facilities, e.g. floating wharves.
- Weed contamination of environmentally sensitive areas, e.g. natural dune systems.
- Placement of installations in visually sensitive areas, such as skylines, bushlines and coastlines.
- Accumulation of coastal flotsam.



KEY LANDSCAPE ELEMENTS

- Classic U-shaped fiord.
- Has a narrow and enclosed appearance, except near the Cleddau River delta, which widens out to form tidal mudflats.
- Mixture of vegetation and mosses that hang on tenuously to the rock walls.
- Spectacular waterfalls cascading into the sounds.

DISTINCTIVE FEATURES

- Due to Milford's spectacular glaciated landforms, immense sense of scale, and wilderness qualities makes this landscape unit the most distinctive in the whole of the Southland district.
- The only Sound that has direct road access.
- Milford is an international tourist destination.

CULTURAL ELEMENTS

- SH 94 road end.
- Tourist facilities and infrastructure.
- Fishing facilities.
- Airport.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Loss of forest health and overall environmental quality.
- Any tourism development outside the existing facilities zone.
- Unsympathetic siting of structures and installations in visually sensitive areas, e.g. skylines, ridgelines, shorelines and bushlines.
- Any infestations of weed species.
- Uncontrolled development of a tourist servicing zone.



KEY LANDSCAPE ELEMENTS

- Long curving beach with sandy bar.
- Tidal inlet and lagoon.
- Tufts of pingao on sand-dunes.
- Coastal shrublands and diverse lowland forest.
- Reverting farmland, with scattering of exotic trees.

DISTINCTIVE FEATURES

- The strong horizontal lines of the bay contrast markedly with the surrounding vertical elements.
- Contrasting colours between the sand and coarse native vegetation.
- Relics of early European settlement.

CULTURAL ELEMENTS

- Tourist lodge.
- Whitebaiters' huts.
- Airstrip.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further weed infestation.
- Further proliferation of huts and lodges.
- Any removal of coastal shrublands and forest.



KEY LANDSCAPE ELEMENTS

- Long sandy beach with primary dune system (Three Mile Beach).
- Rows of secondary dunes, being colonised by native shrublands.
- Meandering water courses with open gravelly channels.
- Parallel coastal hills, clad in mixed shrublands and forest.
- Coastal margin of hills lined with reefs and rocky points.

DISTINCTIVE FEATURES

- A distinctive coastal bight, with its shape being emphasised by the Sara Hills and the McKenzie Range.
- The diversity of “soft” coastal processes and features, which include the intact foredune system, water-logged sand country, meandering water courses and the swampland around Waiuna Lagoon.
- The remote and limitless nature of this landscape unit creates a feeling of wilderness, which is highly valued by those seeking solitude and escape.

CULTURAL ELEMENTS

- DOC hut and walking track.
- Airstrip.
- Whitebait stands.
- Disused road.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Any concentrated uses over the fragile sand country.
- Further spread of exotic sand binding plants.
- Loss of wilderness values through unsympathetic siting of structures in visually sensitive areas, e.g., bushlines, coastline and skylines.



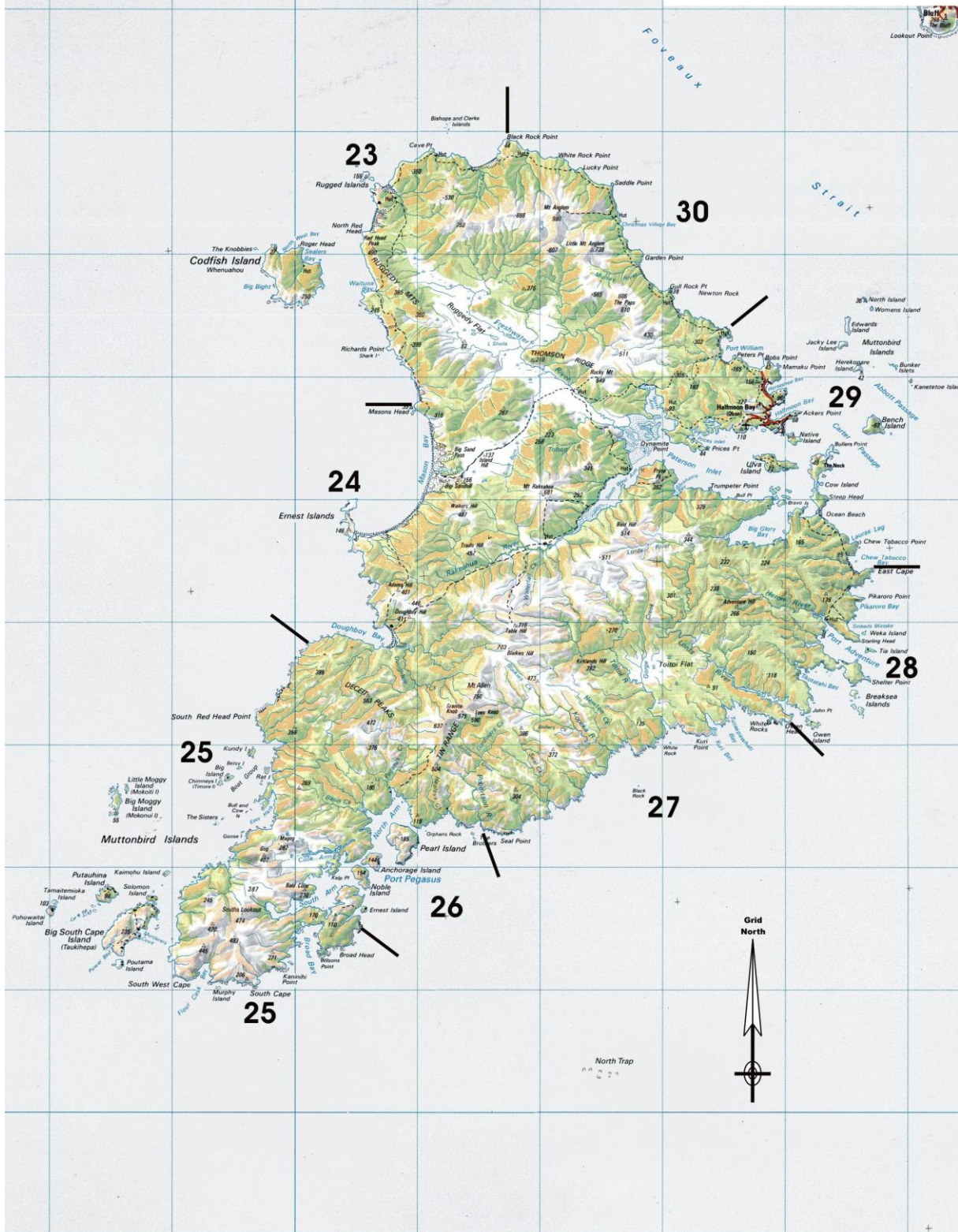
STEWART ISLAND COASTLINE

NATURAL CHARACTER

STUDY

Alan Petrie
Regional Landscape Architect
Department of Conservation
May 1994

Index Map: Coastal Landscape Assessment - Stewart Island



KEY LANDSCAPE ELEMENTS

- A series of short headlands with jagged margins.
- Small golden sandy beaches, anchored by headlands.
- High narrow ridgelines with precipitous rocky outcrops.
- Clad with “leathery” native shrubs, distorted by gale-force winds.
- Both Rugged and Codfish Islands are included within this unit.

DISTINCTIVE FEATURES

- The rugged and treacherous nature of this corner of Stewart Island gives the coastline an overpowering impression of inhospitality.
- An outstanding wild and scenic seascape.
- The coastal influence is evident by the “wind pruned” vegetation.

CULTURAL ELEMENTS

- Low key tramping huts and walking routes.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Introduction of any land-based activities such as fishing gear dumps and hunters’ campsites.
- Loss of natural landscape integrity through unsympathetic siting of structures and installation in visually sensitive areas, e.g. bushlines, skylines and ridgelines.
- Loss of forest health and overall environmental quality through forest die-back and vegetation clearing.
- The removal of native vegetation that will allow exotic species to spread.



LANDSCAPE UNIT 24 MASON AND DOUGHBOY BAYS

KEY LANDSCAPE ELEMENTS

- Mason Bay, with its long curving sandy beach.
- Inland sand country colonised by sand binding plants and narrow-leaved shrubs.
- Low coastal hills clad with stunted shrublands.
- Reverting shrublands on headlands and Ernest Islands.
- Doughboy Bay, with its more enclosed character.
- Contains stable dunelands, dissected by a meandering brackish stream.
- Surrounded by coastal hummocks clad with stunted shrubs.

DISTINCTIVE FEATURES

- The strong visual contrast between the fine textured sand country and the adjoining rugged coastal elements.
- The fragility of the landscape compared with the robustness of the western coastline.
- Moderate feeling of containment compared with the open character of the rest of western coastline.
- This landscape unit's vividness in colour, texture and form makes it a distinctive and memorable part of Stewart Island.

CULTURAL ELEMENTS

- Relics from early pastoral farming, e.g., old homesteads and shelter planting.
- DOC hut.
- Recreational hunters' campsites.
- Airstrip.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Spread of exotic sand binding plants.
- Any concentrated uses over the fragile sand country.
- Proliferation of hunters' campsites, which involves forest clearing.
- Introduction of land-based activities, e.g. fishing gear storage.



Mason Bay, with its vividness in colour, texture and form makes it one of the most distinctive sections of Stewart Island's coastline.



Doughboy Bay, its enclosed character contrasts markedly with the adjoining open coastline.

KEY LANDSCAPE ELEMENTS

- Indented coastline, with high rugged coastal bluffs.
- Numerous offshore islets and exposed reefs, surrounded by surging white water.
- Low coastal hills with towering granite domes in the background.
- The “wind pruned” vegetation that follows the shape of the surrounding landform.

DISTINCTIVE FEATURES

- Being the most southern tip of New Zealand makes it a very important landmark, dominated by the “big open” seas.
- The coastline exposure to south-westerly gales is reflected in the salt-burn and die-back of the shrublands.
- The rounded granite domes contrast with the strong horizontal lines of the coastal bluffs.
- Contains outstanding wilderness qualities.

CULTURAL ELEMENTS

- Some signs of early European occupation, e.g., sealers’ base camps.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Introduction of any land-based activities such as fishing gear dumps and hunters’ campsites.
- Loss of natural landscape integrity through unsympathetic siting of structures and installation in visually sensitive areas, e.g. bushlines, skylines and ridgelines.
- Loss of forest health and overall environmental quality through forest die-back and vegetation clearing.
- The removal of native vegetation that will allow exotic species to spread.



KEY LANDSCAPE ELEMENTS

- An intricate stretch of coastline with numerous sheltered bays, arms and coves.
- Numerous islets dot the coastal margin.
- Low rounded coastal hills, with granite domes forming an impressive backdrop.
- Mixed coastal forest, with wind-swept shrublands covering the conical hills.

DISTINCTIVE FEATURES

- A traditional safe anchorage being on the leeward side of the island.
- The distinctive shaped domes dominating the immediate skyline.
- The strong feeling of containment and enclosure.
- The close contact between the forest's edge and water, in some places the vegetation overhangs the coastal margin.
- The clarity of water in the sandy bays.

CULTURAL ELEMENTS

- Signs of early European occupation, e.g. fish processing plant.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further land-based activities such as fishing gear storage sites and recreational hunters' campsites.
- Introduction of high impact water-based activities, e.g. salmon farming.
- Petroleum exploration infrastructure.
- Loss of forest health through indiscriminate vegetation clearing.
- Placement of installations on prominent domes.



KEY LANDSCAPE ELEMENTS

- A series of low relief headlands, ending in rugged bluffs.
- Small islands and reefs follow the mainland.
- The stunted coastal shrublands buffer the mixed forest from the salt laden winds.

DISTINCTIVE FEATURES

- An open and exposed section of coastline between sheltered anchorages.
- Has fewer dramatic and distinctive coastal features compared with other sections of the eastern coast.

CULTURAL ELEMENTS

-

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further modifications to the forest’s canopy to create hunting campsites.
- Further land-based activities such as fishing gear dump sites.
- Further infestation of weed species.



KEY LANDSCAPE ELEMENTS

- An intricate section of coastline, with low relief headlands and “arms” separated by inlets and river mouths.
- Sheltered rivers with indented margins, e.g. Lords River.
- Close contact between coastal vegetation and water’s edge.
- Being on the leeward side of the island, the vegetation is less affected by gale-force winds.
- Numerous small islands close to the river mouths.

DISTINCTIVE FEATURES

- These sheltered waters provide a safe anchorage for boats sailing further south.
- The strong feeling of containment and enclosure which contrasts markedly with the surrounding “big open” seas.

CULTURAL ELEMENTS

- DOC hut and walking route.
- A scattering of pre-European and European historic sites.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Forest clearing on freehold sections.
- Introduction of land-based facilities, e.g. tourist lodges.
- Further modification to the native cover, which would allow exotic species to spread and cause die-back in the coastal forest.
- The introduction of any high impact water-based facilities, e.g. floating jetties.



KEY LANDSCAPE ELEMENTS

- A series of crescent shaped bays, containing golden sand beaches.
- A series of coastal ridgelines and “arms” that form the bays.
- Coastal lowlands, separated by ridgelines.
- The entrance to Paterson Inlet, with its prominent horizontal coastal features such as peninsulas, gravel bars and numerous islands.

DISTINCTIVE FEATURES

- A settlement contained within a natural context of sea, coastline and bush-clad hills.
- This landscape unit’s unique characteristics arise from its location (both its remoteness and latitude) and the retention of so much vegetation within and around the township of Oban.
- The strong presence of native vegetation helps to integrate the settlement with the mainly undeveloped backdrop.
- The “pockets” of settlement are broken up by the surrounding terrain and coastline.

CULTURAL ELEMENTS

- The well-defined service centre at Oban, with its ferry wharf and fishing infrastructure.
- The enclaves of small scale residential development.
- The well-defined public open spaces along Oban’s foreshore.

NATURALNESS RATING

- 3+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

This landscape unit conveys a strong sense of place due to the harmonious blend of natural and cultural elements. For most of New Zealand, the large scale clearance of vast areas of coastal forest for farmland and urban development together with the planting of exotic trees has eliminated much of the country’s original and distinctive character. Environmental impacts that would have an adverse effect on the present natural character include the following:

- further removal of native vegetation along the coastal ridges and arms, or any new development protruding above the immediate skyline;
- installations such as powerlines should be sited away from sensitive landscape areas, e.g., skylines, ridgelines and coastlines;
- intensive, large scale development should be avoided in such a small scale landscape such as Oban;
- the introduction of plantation forestry within the coastal environment should be avoided.



The series of crescent shaped bays, separated by long coastal arms.



The small enclaves of development around the township of Oban.

KEY LANDSCAPE ELEMENTS

- Gentle coastal hills and ridgelines.
- Hinterland dominated by Mt Anglem.
- Regular sheltered bays with a mixture of sandy and gravel beaches.
- Coastal shrublands create a buffer for the mixed forest.

DISTINCTIVE FEATURES

- In comparison with the other sides of Stewart Island, this unit is less dramatic in appearance.
- Being the leeward side, the vegetation is more symmetrical in form, i.e. less deformed from salt-burn and galeforce winds.
- Sheltered anchorage's for fishing boats and large ships.

CULTURAL ELEMENTS

- Tramping huts and network of tracks.

NATURALNESS RATING

- 5

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further infestation of weeds and exotic species.
- Loss of natural landscape integrity through unsympathetic siting of buildings in visually sensitive areas, e.g., bushlines and skylines.
- Further “opening up” the forest to create hunting campsites.



KEY LANDSCAPE ELEMENTS

- Clusters of islands and islets surrounding the main island.
- The sheer rocky cliffs with jagged reefs that are frequently covered by surging white water.
- Clad mainly in “leathery” native shrubs, distorted by the continual buffeting from the prevailing wind.

DISTINCTIVE FEATURES

- Form interesting silhouettes on the ocean’s horizon.
- Access inherently difficult due to the rock walls and continual heavy swell of the sea.
- Surrounded by “big open” seas, gives the island an impression of remoteness and escape.
- Continuously exposed to the natural elements, e.g. salt-laden winds.

CULTURAL ELEMENTS

- Muttonbirders’ huts and sheds nestled among the shrublands.

NATURALNESS RATING

- 4+

POTENTIAL ACTIVITIES THAT COULD ADVERSELY AFFECT THE NATURAL CHARACTER

- Further loss of native vegetation.
- Introduction of weed species.
- Buildings placed in visually sensitive areas such as on skylines, bushlines or coastline.



APPENDIX 5

AREAS CONTAINING SIGNIFICANT VALUES¹

The identification of Areas Containing Significant Values (ACSV) is provided for by Section 58 of the Resource Management Act. The significance of an area being specifically identified as an ACSV was to be that any activity occurring within the area could be deemed to be an activity status that the Minister of Conservation would be the consent authority for, not the regional council.

The draft New Zealand Coastal Policy Statement (NZCPS) contained criteria for establishing ACSVs but the gazetted 1994 version did not. The updated gazetted 2010 version removed all reference of having specific activities or even areas in which the Minister of Conservation will act as the consent authority.

Given that the Minister of Conservation did not use either gazetted NZCPS to define the specific activities which have or are likely to have significant or irreversible effects on the coastal marine area that occur or are likely to occur in ACSVs, it is the collective view of regional councils that ACSVs now have no legal significance.

Notwithstanding this view, the Southland Regional Council believes that the original concept of an ACSV still has some merit. To be identified as an ACSV, an area had to contain values of regional, national or international significance that had been previously documented in an authoritative text.

The identification of these values is consistent with the approach taken by this Plan that is to identify the values of the coastal marine area and provide appropriate policies, rules and other methods to address the use, development or protection of those values. Therefore, it is felt that the concept of ACSVs is appropriate. It is important to realise that while the ACSVs have geographical boundaries, for the purposes of this plan, it is the values within those areas that are the principal concern.

Listed below is a summary of the values identified within the ACSVs. Also listed is a bibliography of references used to compile the ACSVs.

While the ACSVs have been summarised, further detail from them has been included in Part B of this Plan which identifies the most significant values of various sections of the coastline of the Southland region. While it is not practical to include the full ACSVs in this document, the Plan contains enough information to signal the values that do exist. If more information is required, the full ACSVs or the documents from which they were compiled may need to be accessed.

¹ Amended as a result of the New Zealand Coastal Policy Statement 2010

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-01	All CMA enclosed by the 15 fiords in Fiordland, including tidal and estuarine waters.	- See listing of archaeological sites. - Consult with iwi.	- Bounds Fiordland National Park - Two marine reserves (Piopiotahi; Te Awaatu Channel) - Important buffer, entire Fiordland coast	- Fiords are unique estuarine systems - Biological communities of the shallow rock walls are unique internationally (Grange 1990) - Native fish: three Galaxiid (whitebait) species and eels (Hare 1991, Davis 1987, Bonnett and James 1988). - Fur seal breeding colonies on rocky coasts and islands (Wilson 1981, DOC 1990). - Bottlenose, common, and dusky dolphins (Williams <i>et al</i> 1993, DOC 1990).	- Bird Species in fiord heads and river mouths: brown teal; blue duck; reef heron; white heron; variable oyster catcher - Bird species in outer areas and islands e.g. Dusky Sound, Chalky, Preservation Inlets: mottled petrel; Fiordland crested penguin (regionally threatened) (McLean and Russ 1992, McLean <i>et al</i> 1993; DOC 1990) - Fur seal breeding colonies on rocky coasts and islands (Wilson 1981, DOC 1990). - Bottlenose, common, and dusky dolphins (Williams <i>et al</i> 1993, DOC 1990).	- Black coral and brachiopods are internationally threatened (Grange 1990, Wells 1983) - Native fish: three Galaxiid (whitebait) species and eels (Hare 1991, Davis 1987, Bonnett and James 1988) - Breaksea, Gilbert and Entry Islands are rodent and mustelid free - Bird species: South Island Saddleback nationally important.	- Fiordland is commonly recognised as of high value nationally and internationally for its superlative examples of "natural phenomena, formations or features or areas of exceptional natural beauty" (Department of Lands and Survey 1985) - Pristine scenery and wilderness (Grimmett 1993).	- Wreck of Endeavour in Facile Harbour important - Richard Henry's boat slipway and house site on Pigeon Island important - 15 important archaeological sites on land (near MHWS) (McGovern-Wilson 1985).	- Fiords - Large shallow thermal spring in Anchorage Cove (George Sound) regionally important (Geopreservation Index).
14-02	Includes all coastline from Awarua Point (Big Bay) to Puysegur Point. 10 km seawards from shoreline including coastal marine zone.	As above.	- Entire Fiordland coast to be "buffer" in protection plan.	- Waituna Lagoon contains long finned eels (Davis, 1987) - Recommended that lagoon be declared an ecological reserve.	- Fur seal colonies (Wilson 1981, DOC 1990) - Leopard seals, elephant seals, bottlenose, common and dusky dolphins, killer whales, Southern right whales, humpback and sperm whales (Hare 1991) - Fiordland crested penguins at various sites from Aan River to Long Reef (Martins Bay) (DOC 1990) - Mottled petrels (Imber and Warham 1985).	- Nationally significant beaches to conservation: Coal River (most highly rated in Fiordland), Big Bay, Martins Bay, Transit Beach, Poison Bay, Sutherland Sound, Catseye Bay (Johnson, 1992) - Plant species: Euphorbia glauca, Austrofestuca littoralis, Pingao, Wahlenbergia congesta.	- Distinctive and dramatic landforms - Fiordland's . . . rocky coast[s] are superlative examples of natural features . . . of exceptional natural beauty" (Department of Lands and Survey 1985) - Pristine scenery and wilderness (Grimmett 1993).	- Four important archaeological sites on land adjacent to MHWS (all caves or rock shelters on South Coast) (McGovern-Wilson 1985).	- Wave-cut notches at Green Islets - Shore platforms near Green Islets - Ocean coast of Fiordland is a spectacular manifestation of the [Alpine] fault movement (Department of Lands and Survey 1985).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-03	Encompasses Big and Little Solander Islands and all the small islets and rock stacks in the Solander Group.	As above.	- Islands are a "Specially Protected Area" in Fiordland National Park.	None specified.	- Fur seals (Wilson 1981) - Fiordland crested penguins and Buller's Mollyhawk (Cooper <i>et al</i> 1986)	- Neither island has any introduced mammals - Little Solander has no introduced weed species - Rare coastal plants: Cooks Scurvy Grass and <i>S. luallii</i> .	- Important seascape from south coast, Southland (DOC 1990).	None specified.	None specified.
14-04	Coastline from Puysegur Point to Waiau River and out to 10 km offshore, including all offshore reefs.	As above.	- Sector from Waiau River to the Track Burn Stream - From Puysegur Point to Big River	- Numerous small coastal wetlands, estuaries and lagoons - Native fish: four galaxiid (whitebait) species - Cultural importance: long finned eel and Lamprey.	- New Zealand fur seals - Hector's dolphins in Te Waewae Bay (Slooten and Dawson 1994, DOC 1990) - Bird species: variable oyster catchers, banded dotterels, mottled petrels, Fiordland crested penguins.	- Relatively pristine marine ecosystems (Chadderton) - Area proposed preliminary classification for conservation purposes (King <i>et al</i> 1985) - Marine terraces have national importance as geopreservation sites (Ward and Bishop 1992) - Toheroa populations - Sandhill Point (and two other dune/beach communities) are nationally important or close on - Plant: <i>Euphorbia glauca</i> .	- Puysegur to Port Craig (Petrie 1994 - maximum ranking for scenic values).	- Maori archaeological sites including midden sites, moa skeletons and human burials (DOC 1990) - Sawmill and settlement at Port Craig (probably of regional significance).	- Marine terraces (Kenny and Hayward 1993) - Uplifted marine platforms at Puysegur Point (Bishop 1992).
14-05	New River Estuary and tidal reaches, from Oreti Beach to Steep Head, excluding "lagoon" adjacent to Invercargill rubbish dump.	As above.	- Part of area adjoins Sandy Point Domain (Recreation Reserve).	- New River Estuary (Davis, 1987) - Rearing and spawning habitat for marine and freshwater fish species: giant kokopu, Lamprey, and long finned eel.	- 74 wading and waterfowl species in the New River Estuary area.	- New River Estuary is part of the Awarua Plains wetlands complex - Most important Southland habitat for birds - Nursery ground for numerous fish and marine invertebrate species: Galaxiids (whitebait), flatfish	- Important area for the City of Invercargill ("onlooker" category).	- Invercargill jetty remains - Sandy Point/Daffodil Bay/Oreti River Mouth (sites of prehistoric and historic Maori occupation) and back dunes - Early European occupation and industrial sites.	None specified.

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-06	Awarua Bay below MHWS, east of Tiwai Road.	As above.	- Adjoins Waituna Wetlands Scientific Reserve and Tiwai Peninsula Conservation Land.	- Awarua Bay habitat (nationally important (SSWI))for migratory waders and waterfowl.	- Awarua Bay and mudflats: migratory waders, local waders and waterfowl including Siberian tattler, sanderling, New Zealand dotterel.	- Awarua Bay second most important feeding ground for waders in the Awarua Plains Wetland complex.	None specified.	None specified.	- Good examples of late Quaternary low terrace deposits (Linguist 1988; DOC 1990).
14-07	Toetoes Harbour including lower Mataura and Titiroa Rivers, Toetoes Harbour Beach/Sandspit below MHWS and out 1 km offshore.	As above.	- Sandspit on seaward side of Toetoes Harbour is stewardship land (Conservation Act).	- Estuary (Davis 1987) - Mataura River and estuary (SSWI) - Harbour important for wading birds when Waituna Lagoon closed to the sea and its mudflats are covered by water - Whitebait fishery in lower Mataura and Titiroa rivers - Austridotea annectans and rearing for marine fish, e.g. flatfish.	- 39 bird species: banded dotterel, white heron, royal spoonbill, variable oyster catcher, far eastern curlew, lease golden plover - Tidal flats part of the Awarua Plains Wetland nominated for inclusion in the Waituna Wetland of International Importance (Rance 1991).	- Toetoes Harbour (Johnson 1992) - Tidal mudflats of Awarua Wetland complex for wader birds.	- Important seascape (especially from Bluff Hill Lookout).	None specified.	- Outer sandspit is probably a regional representative sample of a soft shore community of Toetoes Bay (Chadderton <i>pers obs</i>)

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-08	Coastline between Slope Point and The Brothers Point.	As above.	<ul style="list-style-type: none"> - Recreation and Private Reserve at North Head - Marginal strip fronts private land along the coastline - Haldane Recreation Reserve - Haldane Scenic Reserve - Curio Bay Recreation Reserve - Curio Bay Scientific Reserve - Yorks Reserve - Waikawa Harbour Scenic Reserve. 	<ul style="list-style-type: none"> - Haldane and Waikawa Estuaries (regional importance) - Giant kokopu and long finned eels and whitebait spawn in the Waikawa River - Harbour noted as a wetland of national importance (Davis, 1987). 	<ul style="list-style-type: none"> - New Zealand fur seals (Lalas and Murphy 1994) - Hookers sealions - Hector's dolphin (Dawson and Sooten 1988) - Yellow-eyed penguins (Lalas and Murphy 1994, DOC 1990) - Waterfowl and waders - Porpoise Bay - North Head, Slope Point, Flaxy Head (Curio Bay) and Te Rere Reserve. 	<ul style="list-style-type: none"> - Coastal marine habitats important feeding grounds for Hector's dolphins. 	<ul style="list-style-type: none"> - Petrified forest (DOC 1990). 	<ul style="list-style-type: none"> - Regional significant burial sites at western end of Porpoise Bay - Shipwreck of The Star of Erin (Otata Point) - Archaeological sites (Maori; gold diggings; marine beacon) scattered along the shoreline and estuary mouth of the Reservoir/Haldane/Slope Point area - Prehistoric Maori sites around shores of Waikawa Harbour (Williams 1983) - European sites (shore whaling and sawmilling) - Four historical shipwrecks (unknown locations) 	<ul style="list-style-type: none"> - Fossil forest at Curio Bay onshore platforms - Haldane and Waikawa Harbours (regional importance as landforms).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-09	All islands, stacks and reefs between the main Stewart Island and the Ruapuke Group, and around the latter.	As above.	<ul style="list-style-type: none"> - Bench Island and Whero Rock (Nature Reserves) - Flat Rock and the Haystack - Ruapuke, Bird, Green, North (Piloiti), Women's, Edwards (Motonui), Jacky Lee (Pukeokaoka), Herekopare, Kanetoetoe Islands, and Bunker Islets (Fancy Group). 	<ul style="list-style-type: none"> - Large lagoon, wetland/estuary complexes on Ruapuke - Habitat for various endangered waders. 	<ul style="list-style-type: none"> - Islands are of national importance (wildlife and predator free status) - Yellow-eyed penguins, petrels, various shearwaters and shags (DOC 1990) - Variable oyster catchers, reef herons, Stewart Island Shags, banded dotterel - Fur seal colonies. 	<ul style="list-style-type: none"> - Rodent free status of some of the islands (North, Motonui, Jacky Lee, and the Bunkers Islets (Roberts 1993)) - Marine communities: southern extreme; unique topographic features to the region; special communities and populations in biota. 	<ul style="list-style-type: none"> - Maximum natural character value ranking of the islands (Petrie, 1993). 	<ul style="list-style-type: none"> - Islands considerable significance with the seasonal harvesting of titi - Missionary station - Stone wall remains of Maori and mission settlement. 	<ul style="list-style-type: none"> - Regional representative island reefs of an east coast, north facing coastal habitat and topographical features (Ballentine 1990).
14-10	Paterson Inlet west of a line from Bullers Point to Ackers Point (excluding Big Glory Bay) and including the tubeworm mound communities on either side of Bravo Passage.	As above.	<ul style="list-style-type: none"> - Most of land adjoining Paterson Inlet is protected (except freehold and Maori land on northern shore on Prices Inlet to Ringaringa Point - Marine Reserve proposed for parts of Paterson Inlet. 	<ul style="list-style-type: none"> - Tidal mudflats including deltas of Freshwater and Rakeahua Rivers - Most important feeding habitats for various wader species on Stewart Island e.g. New Zealand dotterel - Wetland/estuary complexes associated with the Freshwater and Rakeahua Rivers are important habitat for whitebait and a number of native fish (Chadderton <i>per obs</i>) - Stewart Island freshwater systems are unique (Chadderton 1990) - Freshwater River largest stream. 	<ul style="list-style-type: none"> - Extensive feeding areas for 16 species of wading birds (Meurk and Wilson; Roberts <i>pers comm</i>): variable oyster catcher, New Zealand dotterel, banded dotterel, reef heron, Stewart Island shag, yellow-eyed penguin - Fur seals (Wilson 1981) haul out on islets around Ulva Island; Hookers sealions and Leopard seals occasionally (Chadderton; Roberts <i>pers comm</i>). - Open mudflats of Freshwater and Rakeahua Rivers - Sheltered tidal flats in numerous bays and coves. 	<ul style="list-style-type: none"> - Rich and diverse seaweeds - Brachiopod beds in Paterson Inlet - Eradication of rats project on Ulva Island. 	<ul style="list-style-type: none"> - Moderately high to high values (Petrie 1989). 	<ul style="list-style-type: none"> - Whaling base in Kaipipi - Shipwrecks: Othello, pontoon at Whalers Base, Kotare, and the Pacific (Ingram 1984). 	<ul style="list-style-type: none"> - Submerged drowned river systems (Cullen 1967) of regional significance (Ballentine 1990).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-11	Coastline from Bullers Point to the northern shore of Whale Passage at Port Pegasus, and all islands in the Breaksea, Tia and Own Island Groups, and extending 3 km offshore to include all off-lying stacks and reefs.	As above.	<ul style="list-style-type: none"> - Reserves: Lords River Islands, East Cape, Port Adventure, and Port Adventure Islands. - Conservation Act: Port Adventure land and coastal strip south of Toitois, Port Pegasus Scenic Reserve. 	<ul style="list-style-type: none"> - Numerous small estuaries (Kapeka River, Toitoi River, Heron River) and one large one (Lords River) - Native fish: three species of Galaxiids (whitebait) and long finned eels (Chadderton <i>pers obs</i>) - Probably important feeding habitat for waders: variable oyster catcher, reef heron, Stewart Island shag (Roberts <i>pers comm</i>). 	<ul style="list-style-type: none"> - Yellow-eyed penguin (outer coast of Old Neck; Ocean Beach; Chew Tobacco; Pikaroro, Lords River, Owen Island) - Dunes and intertidal areas of the Old Neck are feeding areas for waders: banded dotterel, New Zealand dotterel, roost for bar-tailed godwits - Stewart Island kiwi on Ocean Beach - Lords River intertidal mudflats: waders, waterfowl, shags and kingfishers; nursery area for fish (DOC 1990) - Breeding sites for seabirds: petrels and shearwaters - Fur seals (DOC 1990; Wilson 1981). 	<ul style="list-style-type: none"> - Large unmodified marine ecosystem (Grange and McKnight 1987): southern extreme of mainland New Zealand communities; regionally unique topographic features; large number of special communities and populations in biota (Ballentine 1990) - Rich and diverse seaweeds - Seven-gilled sharks are thought to spawn in Heron River (DOC 1990). 	<ul style="list-style-type: none"> - Spectacular coastline (estuarine mudflats to granite bluffs) (Brinkman and Peat 1992) - Breaksea/Port Adventure (maximum value of naturalness (Petrie, 1993)). 	<ul style="list-style-type: none"> - Old Neck earliest known Polynesian settlement in the south of New Zealand (regional significance (DOC 1990)) - Titi Islands, Tia and the Breaksea Group traditional harvest of seasonal titi (sooty shearwater) - Archaeological sites (early European surveyors camps and Maori middens) form Tikotatahi and the Lords River mouth area (regional significance). 	<ul style="list-style-type: none"> - Port Adventure and Lords River are unique landscapes or topographic features (regional and national significance).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-12	Port Pegasus (a sheltered inlet on south eastern coast of Stewart Island).	As above.	<ul style="list-style-type: none"> - Adjoining land protected in the Pegasus Scenic Reserve, Pegasus Nature Reserve, South Cape Scenic Reserve and Port Pegasus Islands Scenic Reserve. 	<ul style="list-style-type: none"> - Tidal flats are feeding grounds for trans-equatorial migrant waders: Eastern bar-tailed godwit, golden plover and knots (New Zealand Forest Service and Department of Lands and Survey 1978) - Stewart Island shags, variable oyster catcher and reef heron are likely to be present (Roberts <i>pers comm</i>) - yellow-eyed penguins (King 1991) - Native vegetation covers catchments, marginal lands and tidal flats (Chadderton <i>pers obs</i>) - Largely exotic fish-free streams: two species of Galaxiids (whitebait) (Chadderton <i>pers comm</i>). 	<ul style="list-style-type: none"> - New Zealand dotterel (Dowding and Murphy 1993) - Stewart Island shag, variable oyster catcher and reef heron (Roberts <i>pers comm</i>) - Yellow-eyed penguins (King 1991) - Hookers sealions, New Zealand fur seals (Roberts <i>pers comm</i>). 	<ul style="list-style-type: none"> - Black coral (Grange 1990) - Marine communities: southern extreme of mainland New Zealand communities; regionally unique topographic features; large numbers of special communities and populations in biota (Ballentine 1990) - Rich and diverse seaweeds (Adams <i>et al</i> 1974) - Five species of brachiopods (Willan 1981; Grange and McKnight 1987; Wells 1983). 	<ul style="list-style-type: none"> - Impressive skyline, numerous sheltered bays and coves, clarity of water and close contact between forest edge and water (Petrie 1994: maximum value) - Exfoliated domes (Kenny and Hayward 1993). 	<ul style="list-style-type: none"> - Shipbuilding base at Port Pegasus (Shipbuilders Cove) of national importance. 	<ul style="list-style-type: none"> - Granite exfoliation domes of Gog and Magog (Kenny and Hayward 1993).
14-13	Extends from southern entrance to Port Pegasus around South Cape and north past Doughboy Bay; 15 islands and several smaller islets and rock stacks off south-west coast of Stewart Island.	As above.	<ul style="list-style-type: none"> - Mainland adjacent to area is all protected (part of the Pegasus Nature Reserve) except two small Titi Islands and a Maori reserve at Easy Harbour. 	<ul style="list-style-type: none"> - Giant kokopu (whitebait) (Chadderton <i>pers obs</i>) - Coastal lagoons and estuaries in Doughboy Bay. 	<ul style="list-style-type: none"> - New Zealand dotterels, banded dotterels, variable oyster catcher, yellow-eyed penguins (DOC 1990; King 1991); petrels and shearwaters including mottled petrel (DOC 1990) - Fiordland crested penguin (Studholme <i>et al</i> 1994) - Hookers sealions (Johnson 1992; DOC 1990) - Fur seals (Wilson 1981). 	<ul style="list-style-type: none"> - Large unmodified marine ecosystem (Grange and McKnight 1987); southern extreme of mainland New Zealand communities; regionally unique topographical features; large number of special communities and populations in biota (Ballentine 1990) - Rich and diverse seaweeds (Adams <i>et al</i> 1974) - Rodent-free status of some islands. 	<ul style="list-style-type: none"> - Landscape values (wild and remote area) and important land/sea interface (New Zealand Forest Service 1978) - Unsurpassed scenic coastline (DOC 1990) - Gog and Magog (Kenny and Hayward 1993). 	<ul style="list-style-type: none"> - Seasonal harvesting of titi - Murderers Cove on big South Cape - No recorded archaeological sites due to restricted access - Broad Bay: early European settlement; Maori occupation - Easy Harbour: sealing camp and two shipwrecks. 	<ul style="list-style-type: none"> - Representative example of the southernmost tip of "mainland New Zealand" (Petrie 1994) - Gog and Magog (Kenny and Hayward 1993).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-14	Ernest Islands and all reefs and islets within 10 km offshore from Mason Bay.	As above.	- Adjacent land is protected as Stewardship Area (Conservation Act).	- Giant kokopu (whitebait species) (Chadderton <i>pers comm</i>) in coastal lagoon/estuary of Kilbride (Southern Mason Bay).	- New Zealand dotterel (Dowding and Murphy 1993) - Banded dotterel (Roberts <i>pers comm</i>) - Yellow-eyed penguin (Chadderton <i>pers comm</i>) - Stewart Island kiwi.	- Mason Bay dune systems and communities - Plants: Euphorbia glauca, Gunnera hamiltonii, Luzula celata - Large beds of Tuatua (DOC 1990).	- Landscape nationally significant (Johnson 1992).	- Kilbride (southern Mason Bay): early whaling station (Howard 1984); Maori archaeological sites (Stark 1986) and moa bones.	- Extensive area of dunes and sandpasses nationally important - Tombolo between Ernest Island and Mason Bay nationally important (Kenny and Hayward 1993).
14-15	3 km seawards from land (MHWS) and encompassing all offshore stacks and rocks around northern coast of Stewart Island, between Mason Head and northern shore of Horseshoe Bay.	As above.	- All adjoining land (Conservation Act) except between Halfmoon Bay and Lee Bay.	- Small significant estuaries: Yankee River, Smoky River, Murray River, Maori River, Little Bungaree, and Little River - Three Galaxiid (whitebait) species; long-finned eels; Lamprey - Wetland estuary plant communities (Wilson 1987) and a number of rare native fish (Chadderton 1990).	- Yellow-eyed penguins (King 1990) - Fiordland crested penguins (Buckingham 1980) - Seabirds including Stewart Island shag - Variable oyster catcher (DOC 1990; Chadderton <i>pers obs</i> ; Johnson 1992); banded dotterel (DOC 1990) - Fur seal colonies (Wilson 1981).	- Largest unmodified marine ecosystem (Grant and McKnight 1987) - Regionally unique north-facing coastline of Stewart Island (Ballentine 1990) - Rich and diverse seaweeds (Adams <i>et al</i> 1974) - Undredged (commercially) Foveaux oyster beds containing fragile and diverse lace coral, mollusc and sponge communities (Chadderton <i>pers obs</i>) - Coastal dune systems (Johnson, 1992) with rare plants and communities (high natural values).	- Spectacular coastline of Stewart Island (Brinkman and Peat 1992) - Tremendous aesthetic and landscape values (Purey-Cust and Clymont 1978) - Johnson (1992) listed five beaches for conservation due to scenic values.	- Maori Beach: old site of sawmill and settlement.	- Big Hellfire Beach Sand Pass: extensive dune system of regional importance (Kenny and Hayward 1993).

Number	Description	Maori Cultural Values	Protected Areas	Wetlands, Estuaries, Coastal Lagoons	Marine Mammals and Birds	Ecosystems, Flora and Fauna Habitats	Scenic Values	Historic Values	Coastal Landforms and Associated Processes
14-16	Codfish Island and its coastal islets and reefs.	As above.	<ul style="list-style-type: none"> - Foreshore of Codfish Island (Nature Reserve) - Island refuge nationally and internationally important. 	None specified.	<ul style="list-style-type: none"> - Fur seals (DOC 1990) - Seabirds: yellow-eyed penguin (King 1990); Cooks petrel, Mottled petrel, South Georgian diving petrel (Imber and Warham 1985); Fiordland crested penguin (Maloney <i>et al</i> 1993) - Nationally important as refuge for wildlife, and apart from kiore, is predator free (DOC 1990; Johnson 1992). 	<ul style="list-style-type: none"> - Marine communities: southern extreme; regionally unique topographic features; special communities and populations in biota - Rich and diverse seaweeds (Adams <i>et al</i> 1974) - Regionally unique north-facing coastline of Stewart Island (which Codfish is part) (Ballentine 1990) - Dune system in Sealers Bay (Johnson 1992) has abundance of native grasses and sand pimelaea - Absence of introduced mammalian predators and grazers (except kiore) (Johnson 1992) - Numerous threatened plant and animal species, for example, kakapo (Roberts <i>pers comm</i>; Meurk and Wilson 1989). 	<ul style="list-style-type: none"> - Important element is the majority of views of the west coast of Stewart Island - Codfish Island maximum value for landscape (Petrie 1994). 	<ul style="list-style-type: none"> - Maori/sealer history - Two wrecked boats in Sealers Bay (Ingram 1984). 	<ul style="list-style-type: none"> - Codfish Island and offshore reefs and islets are of regional significance.

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APPENDIX 6

Anchorage

Linked to Section 11.7.7 Anchorage and Moorings

Key:

FFA = Fiordland Fishermen's Association

BFA = Bluff Fishermen's Association

MAP	ANCHOR_ID	NAME	USAGE	TYPE	COMMENTS
1	001	Harrison Cove (Milford Sd)	Heavy	Anchorage	FFA
1	002	Milford Sound	Mooring	Fishing Boat Harbour	Jetty CD
1	003	Deep Water Basin (Milford Sd)	Heavy	Mooring	Wharf FFA
1	004	Anita Bay (Milford Sd)	Heavy	Anchorage	FFA
1	005	Fox Bay (Milford Sd)	Moderate	Anchorage	FFA
1/2	006	Poison Bay (btwn Milford & Sutherland Sds)	Moderate	Anchorage	FFA
2	007	Sutherland Sound	Light	Anchorage	FFA
2	008	Escape Cove (Bligh Sd)(opp Turn Point)	Moderate	Anchorage	FFA
2	009	Kellys (Bligh Sd)	Heavy	Anchorage	FFA
2	010	Amazon Cove (Bligh Sd)	Moderate	Anchorage	FFA
2	011	Bounty Haven (Bligh Sd)	Moderate	Anchorage	FFA
2	012	Amazon Cove (opposite) (Bligh Sd)	Moderate	Anchorage	FFA
2	013	Catseye Bay (btwn Bligh & George Sds)	Light	Anchorage	FFA
2	014	Island Rocks (George Sd)	Moderate	Anchorage	FFA
2	015	Anchorage Cove (George Sd)	Heavy	Anchorage	FFA
2	016	Alice falls (George Sd)	Moderate	Anchorage	FFA
2	017	SW Arm (George Sd)	Moderate	Anchorage	FFA
2	018	Whitewater River (George Sd)	Moderate	Anchorage	FFA
2	019	Chalanger Bay (George Sd)	Moderate	Anchorage	FFA
2	020	Looking Glass Bay(btw George & Caswell Sds)	Moderate	Anchorage	FFA
2	021	Two Thumb Bay(btw George & Caswell Sds)	Light	Anchorage	FFA
2	022	North Anchorage Entrance (Caswell Sd)	Moderate	Anchorage	FFA
2	023	Boat Rk (near) (Caswell Sd)	Light/Unknown	Anchorage	
2	024	North Sige	Moderate	Anchorage	all weather FFA
2	025	Stillwater River (Caswell Sd)	Moderate	Anchorage	FFA
2	026	Styles Island (Caswell Sd)	Moderate	Anchorage	FFA
2/3	027	Emelius Arm (Charles Sd)	Moderate	Anchorage	FFA
2/3	028	Eleanor Is (Charles Sd)	Heavy	Anchorage	FFA
2/3	029	Camera Bay (Charles Sd)	Moderate	Anchorage	FFA
3/3	030	Gold Arm (Charles Sd)	Heavy	Anchorage	FFA
3	031	Toe Cove (Nancy Sd)	Moderate	Anchorage	FFA
3	032	Heel (Nancy Sd)	Moderate	Anchorage	FFA
3	033	Second Anchorage (Nancy Sd)	Moderate	Anchorage	FFA
3	034	First Anchorage (Nancy Sd)	Moderate	Anchorage	FFA
3	035	Neck Cove (Thompson Sd)	Moderate	Anchorage	FFA
3	036	Dees Cove (Thompson Sd)	Heavy	Anchorage	FFA
3	037	Lyll Bay (Thompson Sd)	Moderate	Anchorage	FFA
3	038	Precipice Cove (Bradshaw Sd)	Moderate	Anchorage	FFA
3	038a	Cove north of Macdonell Island (Bradshaw Sd)	Moderate	Anchorage	
3	039	Gaer Arm (Bradshaw Sd)	Light	Anchorage	FFA
3	040	Shelter Is (Doubtful Sd)	Moderate	Anchorage	FFA
3	041	The Gut (Doubtful Sd)	Heavy	Anchorage	FFA
3	041a	Bauza Island (Doubtful Sd)	Unknown	Anchorage	
3	042	Blanket Bay (Doubtful Sd)	Heavy	Anchorage	FFA
3	043	Matai Is (Doubtful Sd)	Moderate	Anchorage	FFA
3	044	Deep Cove (Doubtful Sd)	Mooring	Fishing Boat Harbour	Wharf and Slipway CD
3	045	Deep Cove (Doubtful Sd)	Heavy	Anchorage	FFA
3	046	Haulashore Cove (Doubtful Sd)	Moderate	Anchorage	FFA
3	047	Mouth of Hall Arm	Moderate	Anchorage	
3	048	Crooked Arm (Doubtful Sd)	Light/Unknown	Anchorage	
3	049	First Arm (Doubtful Sd)	Moderate	Anchorage	FFA
3	050	Anchorage Arm (Dagg Sd)	Heavy	Anchorage	FFA
3	051	Dagg Sound (head)	Moderate	Anchorage	FFA
3/4	052	Coal River (Sth Dagg Sd)	Moderate	Anchorage	FFA
4	053	First Cove	Moderate	Anchorage	FFA

MAP	ANCHOR_ID	NAME	USAGE	TYPE	COMMENTS
4	054	Second Cove (Breaksea Sd)	Moderate	Anchorage	Fair Weather BFA, FFA
4	055	Third Cove (Breaksea Sd)	Fair Weather	Anchorage	BFA
4	056	Vancouver Arm (Head)	Fair Weather	Anchorage	BFA
4	057	Broughton Arm (head)	Fair Weather	Anchorage	BFA
4	058	Discovery (Breaksea Sound)	Fair Weather	Anchorage	BFA
4	059	John Islands (near) (Breaksea Sd)	Heavy	Anchorage	`Ranginui` mooring, freshwater, Fair Weather BFA,FFA
4	060	Beach Harbour (Breaksea Sd)	Light	Anchorage	prone to wind gusts in bad weather (N-NE) BFA,FFA
4	061	Sunday Cove (Breaksea Sd)	Heavy	Anchorage	mooring lines/barge, exposed to N-NNW winds BFA FFA
4	062	Moonlight (Breaksea Sd)	Heavy	Anchorage	stern lines BFA
4	063	Disappointment Cove (Breaksea)	Fair Weather	Anchorage	BFA
4	064	Stevens Cove	Moderate	Anchorage	
4	065	Stick Cove (Wet Jacket Arm)	Moderate	Anchorage	FFA
4	066	Head of Wet Jacket Arm			hut, northern corner of the island BFA
4	067	Breaksea Island (Breaksea Sd)	Fair Weather	Anchorage	
4	068	Seal Islands(Outer Gilberts)Breaksea Sd)	Fair Weather	Anchorage	BFA
4	069	Morning Tea Bay	Fair Weather	Anchorage	BFA
4	070	Woodhen Cove (Breaksea Sd)	Light	Anchorage	FFA
4/4a	071	Kanini Bay (Fiver Finger Peninsula)	Fair Weather	Anchorage	BFA
4/4a	072	Cormoriant Cove (Dusky Sd)	Moderate	Anchorage	FFA
4/4a	073	Facile Harbour (Dusky Sd)	Moderate	Anchorage	FFA
4/4a	074	Earshell Cove (Dusky Sd)	Moderate	Anchorage	FFA
4/4a	075	Anchor Is Harbour (Dusky Sd)	Moderate	Anchorage	
4/4a	076	Many Is (Dusky Sd)	Heavy	Anchorage	
4/4a	077	Luncheon Cove (Dusky Sd)	Heavy	Anchorage	FFA
4/4a	078	Dusky Sound	Light/Unknown	Anchorage	
4/4a	079	Fixed Head (Dusky Sd)	Moderate	Anchorage	FFA
4/4a	080	Duck Cove (Dusky Sd)	Heavy	Anchorage	
4/4a	081	Porpoise Pt (near) (Dusky Sd)	Light/Unknown	Anchorage	
4/4a	082	Pickersgill Harbour (Dusky Sd)	Heavy	Anchorage	FFA
4/4a	083	Cascade Cove (Dusky Sd)	Heavy	Anchorage	FFA
4	084	Sportsmans Cove (Dusky Sd)	Moderate	Anchorage	FFA
4	085	Cooper Island (east end) (Dusky Sd)	Light	Anchorage	FFA
4	086	Supper Cove (Dusky Sd)	Moderate	Anchorage	FFA
4	087	Shark Cove (Dusky Sd)	Light/Unknown	Anchorage	
4	088	Fanny Bay (Dusky Sd)	Light	Anchorage	FFA
5/5a	089	Watering Cove (Chalky Inlet)	Heavy	Anchorage	
5/5a	089a	Shoal Point (Chalky Inlet)	Unknown	Anchorage	
5/5a	089b	Blind Entrance (Chalky Inlet)	Unknown	Anchorage	
5/5a	089c	Passage Islands (Chalky Inlet)	Unknown	Anchorage	
5/5a	090	Little Is (Chalky Inlet)	Heavy	Anchorage	
5	091	Lake Cove (Edwardson Sd)	Light/Unknown	Anchorage	
5	092	Island Cove (Cunaris Sd)	Light/Unknown	Anchorage	
5	092a	Cliff Cove (Cunaris Sound)	Unknown	Anchorage	
5/5a	093	Small Craft Harbour (Chalky Inlet)	Moderate	Anchorage	
5	094	Last Cove (Long Sd)	Light/Unknown	Anchorage	
5/5a	095	Roderques (Chalky Inlet)	Light/Unknown	Anchorage	
5/5a	096	Sealers (Chalky Is, Chalky Inlet)	Light/Unknown	Anchorage	
4/4b	097	Lee Bay (Chalky Inlet)	Heavy	Anchorage	
5/5a	097a	Anchorage Cove (Chalky Inlet)	Unknown	Anchorage	
5/5a	098	Seek Cove (Preservation Inlet)	Light/Unknown	Anchorage	
5/5a	098a	Welcome Bay (Preservation Inlet)	Unknown	Anchorage	
5/5a	098b	Red Head (Chalky Inlet)	Unknown	Anchorage	
5/5a	099	Cuttle Cove (Preservation Inlet)	Heavy	Anchorage	
5/5a	099a	Brokenshore Bay (Preservation Inlet)	Unknown	Anchorage	
5/5a	100	Isthmus Sound	Heavy	Anchorage	
5/5a	101	Useless Bay (Long Sd)	Heavy	Anchorage	
5/5a	102	Revolver Bay (near) (Long Sd)	Moderate	Anchorage	
5/5a	103	Kisbee Bay(Preservation Inlet)	Heavy	Anchorage	
5/5a	104	Weka Is (Preservation Inlet)	Heavy	Anchorage	
5/5a	104a	Fishing Bay (Preservation Inlet)	Unknown	Anchorage	

MAP	ANCHOR_ID	NAME	USAGE	TYPE	COMMENTS
5/5a	104b	Cavern Head (Preservation Inlet)	Unknown	Anchorage ¹	
5/5a	105	E Kisbee Bay(Preservation Inlet)	Heavy	Anchorage	
5/5a	106	Otago Retreat Sth (Preservation Inlet)	Heavy	Anchorage	
5/5a	107	Otago Retreat Nth (Preservation Inlet)	Heavy	Anchorage	
5	108	Gates Harbour (Sth Coast Fiordland)	Heavy	Anchorage	
5/6	109	Green Islets (Sth Coast Fiordland)	Heavy	Anchorage	
6	110	Big River	Heavy	Anchorage	
6	111	Knife & Steel (Sth Coast Fiordland)	Light/Unknown	Anchorage	
7	112	Port Craig	Heavy	Anchorage	
7	113	Cosy Nook		Slipway/Jetty	
7	114	Mullet Bay			
7	115	Ruahine rd		Slipway	
7/8	116	Wakaputa Beach		Slipway/Jetty	
8/8a	117	Colac Bay		Slipway/Jetty	
8/8a	118	Riverton Harbour	Mooring	Fishing Boat Harbour	Two Slipways CD
8/9a	119	Omaui		Mooring/Jetty	
9/9a	120	Coylers Island (Bluff Harbour)		Jetty	
9/9a	121	Bluff Island Harbour		Deep Sea Port	CD
9/9a	122	Bluff Harbour	Mooring	Fishing Boat Harbour	CD
9/9a	123	Tiwai Wharf		Deep Sea Port	CD
10/10b	124	Waikawa Harbour		Fishing Boat Harbour	CD
11/12	125	Lucky Beach (Nth Stewart Is)		Anchorage	SIFA
11/12	126	Smokey Beach (Nth Stewart Is)		Anchorage	
11/12	127	Long Harry Bay (Nth Stewart Is)	Heavy	Anchorage	SIFA
11/12	128	E Ruggedy Beach (Nth Stewart Is)	Heavy	Anchorage	
11/12	129	Waituna Bay (Nth Stewart Is)	Moderate	Anchorage	
11	130	Sealers Bay (Codfish Is)	Heavy	Anchorage	
11	131	Roderiques Anchorage (Codfish Is)	Moderate	Anchorage	
11	132	South Bay (Codfish Is)	Moderate	Anchorage	
11/12	133	Masons Is (Stewart Island)		Anchorage	SIFA
11/12	134	Sth Mason Bay (Stewart Is)	Heavy	Anchorage	
11	135	Gut (Stewart Island)		Anchorage	SIFA
11/12	136	Doughboy Bay (Stewart Island)		Anchorage	SIFA
11	137	Three Legged Woodhen (Stewart Island)		Anchorage	SIFA
11	138	Rat Bay (Kindy Island)		Anchorage	SIFA
11	139	Rewa Bay (Big Moggy Is)	Heavy	Anchorage	
11	140	Easy Harbour (SW Stewart Is)	Heavy	Anchorage	
11	141	SW St Island			
11	142	Tupari Bay (SW St Island)		Anchorage	
11	143	Solomon Is (SW Stewart Is)	Heavy	Anchorage	
11	144	Pukeweka Island (SW St Island)		Anchorage	
11	145	Nicholson Harbour (SW St Island)		Anchorage	SIFA
11	146	Murders Cove (SW Stewart Is)	Moderate	Anchorage	
11	147	SW St Island			
11	148	Puwai Bay Big South Cape Is	Moderate	Anchorage	
11	149	Flour Cask Bay (Stewart Island)		Anchorage	SIFA
11	150	Kaninihi Bay (Stewart Island)		Anchorage	SIFA
11	151	Between Kaninihi Bay & Broad Bay			
11	152	Broad Bay (SW Stewart Is)	Moderate	Anchorage	
11	153	Disappointment Cove (SW Stewart Is)	Heavy	Anchorage	
11	154	Small Craft Retreat (Stewart Island)		Anchorage	SIFA
11	155	Sylvan Cove (SW Stewart Is)	Moderate	Anchorage	
11	156	Islet Cove (SW Stewart Is)	Moderate	Anchorage	
11/12	157	Bens Bay (SW Stewart Is)	Moderate	Anchorage	
11/12	158	Albion Inlet (SW Stewart Is)	Heavy	Anchorage	
11/12	159	The Settlement (SW Stewart Is)	Moderate	Anchorage	SIFA
11/12	160	Between Port Pegasus & SE St Island			
12	161	Kopeka (Stewart Island)		Anchorage	SIFA
12	162	Toitoti Bay (SE Stewart Is)	Light/Unknown	Anchorage	
12	163	Big Kuri Bay (SE Stewart Is)	Light/Unknown	Anchorage	
12	164	Surveyors Bay (Lords R)	Moderate	Anchorage	
12	165	Upper Lords R (SE Stewart Is)	Heavy	Anchorage	
12	166	SE St Island			
12	167	Tikotatahi Bay (SE Stewart Is)	Moderate	Anchorage	

¹ Amended as a result of the Fiordland (Te Moana o Atawhenua) Marine Management Act 2005

MAP	ANCHOR_ID	NAME	USAGE	TYPE	COMMENTS
12	168	Little Kuri Bay (SE St Island)		Anchorage	SIFA
12	169	Oyster Cove (SE Stewart Is)	Heavy	Anchorage	
12	170	Abrahams Bosom (SE Stewart Is)	Heavy	Anchorage	
12	171	North Arm (Port Adventure)	Moderate	Anchorage	
12	172	Sinbads Mistake (SE St Island)		Anchorage	SIFA
12	173	SE St Island			
12	174	Chew Tobacco Bay (SE Stewart Is)	Moderate	Anchorage	
12a	175	Lowrys Beach (Stewart Island)			
12a	176	Papatiki Bay (Paterson Inlet)	Moderate	Anchorage	
12a	177	West The Neck Isthmus (Paterson Inlet)	Moderate	Anchorage	
12a	178	E Glory Cove (Paterson Inlet)	Heavy	Anchorage	Jetty
12a	179	S Glory Cove (Paterson Inlet)	Heavy	Anchorage	
12a	180	W Glory Cove (Paterson Inlet)	Heavy	Anchorage	
12a	181	Goose Cove (Glory Cove)	Moderate	Anchorage	
12a	182	Sailors Rest (Paterson Inlet)		Anchorage	
12a	183	SE Big Glory Bay (Paterson Inlet)			
12a	184	SE Big Glory Bay (Paterson Inlet)			
12a	185	S Big Glory Bay (Paterson Inlet)	Moderate	Anchorage	Jetty
12a	186	SW Big Glory Bay (Paterson Inlet)	Moderate	Anchorage	
12a	187	W Big Glory Bay (Paterson Inlet)	Heavy	Anchorage	
12a	188	Big Glory Bay (Paterson Inlet)		Sheltered Deep Sea Anchorage	RNZN
12a	189	Bravo Is (near) (Paterson Inlet)	Moderate	Anchorage	
12a	190	Gentian Cove (Paterson Inlet)	Moderate	Anchorage	
12a	191	Tommy Island			
12a	192	Haputuna Bay (Paterson Inlet)			
12a	193	Sydney Cove (Ulva Is, Paterson Inlet)	Heavy	Anchorage	
12a	194	Flagstaff Pt (Ulva Is)	Heavy	Anchorage	Jetty
12a	195	Paterson Inlet		Sheltered Deep Sea Anchorage	RNZN
12a	196	West End Beach (Ulva Is, Paterson Inlet)	Moderate	Anchorage	
12a	197	Boulder Beach (Ulva Is, Paterson Inlet)			
12a	198	Trumpeter Point - Paterson Inlet	Moderate	Anchorage	
12a	199	Euchre Creek - Paterson Inlet	Moderate	Anchorage	
12a	200	Abrahams Bay (Paterson Inlet)	Moderate	Anchorage	
12a	201	Harry West Bay (Paterson Inlet)	Moderate	Anchorage	
12a	202	Beetle Brand Bay			
12a	203	South West Arm (Paterson Inlet)			
12a	204	South West Arm (Paterson Inlet)			
12a	205	South West Arm (Paterson Inlet)			
12a	206	Fred's Camp - Mouth of South West Arm	Heavy	Anchorage	
12a	207	North Arm West Shore (Paterson Inlet)			
12a	208	North Arm Bend (Paterson Inlet)	Moderate	Anchorage	
12a	209	North Arm East Shore	Moderate	Anchorage	
12a	210	Nth Sawdust Bay (Paterson Inlet)	Moderate	Anchorage	Disused Wharf
12a	211	Roys Beach - Sawdust Bay	Moderate	Anchorage	
12a	212	Dundas Harbour (Paterson Inlet)	Moderate	Anchorage	
12a	213	Millars Beach (Paterson Inlet)	Heavy	Anchorage	
12a	214	Whalers Base (Paterson Inlet)	Heavy	Anchorage	Disused Slipway
12a	215	Head of Prices Inlet	Moderate		
12a	216	Kidney Fern Arm (Paterson Inlet)	Heavy	Anchorage	
12a	217	Little Kaipipi Bay (Paterson Inlet)	Heavy	Anchorage	
12a	218	Kaipipi Bay (Paterson Inlet)	Heavy	Anchorage	Disused Wharf
12a	219	Fuscha Bay	Moderate		
12a	220	Ryans Ck (Paterson Inlet)	Heavy	Anchorage	
12a	221	Thule Bay (Paterson Inlet)	Mooring	Mooring	
12a	222	Golden Bay (Paterson Inlet)	Mooring	Mooring	
12a	223	Trails Bay	Moderate		
12a	224	Native Is (Paterson Inlet)	Heavy	Anchorage	
12a	225	Ringaringa Beach			
12a	226	Halfmoon Bay	Mooring	Fishing Boat Harbour	CD
12a	227	Deadman Beach (Stewart Island)		Anchorage	SIFA
12a	228	Horseshoe Bay	Mooring	Mooring	Jetty
12a	229	Port William (Nth Stewart Is)	Heavy	Anchorage	Jetty
12	230	Murray Beach (Nth Stewart Is)	Moderate	Anchorage	
12	231	Garden Point (Stewart Island)	Light/Unknown	Sheltered Deep Sea Anchorage	South Port Assigned
12	232	Saddle Point (Stewart Island)	Light/Unknown	Sheltered Deep Sea Anchorage	South Port Assigned

APPENDIX 7

Inventory of Important Geological Sites and Landforms in the Southland region

From Kenny, Jill A. and Hayward, Bruce W., 1993, "Geological Society of New Zealand Miscellaneous Publication No. 78", Geological Society of New Zealand, Lower Hutt.

G2	Alpine Fault (Haast-Milford), Lake McKerrow
G3	Anchorage Cove Springs
G4	Anita Bay bowenite
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G8	Bald Cone exfoliation dome, Stewart Island
G8(a)	Barracouta Point gabbro
G12	Big Hellfire Beach sand pass
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G14(a)	Bluff Hill tombolo
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G24	Cow and Calf Point gabbro intrusion, Stewart Island
G24(a)	Curio Bay Jurassic fossil forest
G26	Darran Complex, Milford Sound
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G29	Dusky Sound zircon staurolite
G31	Earnest Islands tombolo, Stewart Island
G35	Green Islets wavecut notches
G37	Haldane Estuary
G38	Harrold Bay spheroidal weathering, Stewart Island
G44	Howells Point pillow lavas
G46	Kellard Point marble
G49	Kisbee Bay Ordovician biostratigraphic section
G52	Lake Hakapoua shore platform
G62	Mason Bay sand passes and dunes, Stewart Island
G62(a)	Mokomoko Inlet Permian sedimentology
G75	Oraka point intrusions
G81	Pahia Point layered mafic rocks and shore platform potholes
G83	Pembroke granulite
G84	Port Craig Tertiary sequence
G85	Port William dikes, Stewart Island
G87	Preservation Inlet hornfels
G92	Puysegur Point uplifted marine platforms
G94	Ringaringa intrusives, Stewart Island
G98	St Anne gneiss
G99	Stewart Island hornblende hornfels
G107	Toetoes Bay submarine lignite
G113	Waikawa Estuary
G121	Waitutu uplifted marine terraces

Inventory of Important Geological Sites and Landforms in the Southland region

From: Kenny, Jill A. and Hayward, Bruce W., 1993, "*Geological Society of New Zealand Miscellaneous Publication No. 78*", Geological Society of New Zealand, Lower Hutt.

Inventory Format

Each site or feature is listed separately and arranged alphabetically by name. The numbering system is the same as that used by the Southland District Plan.

Entries may contain the following fields:

Name: Brief site or feature name.

District: United or Regional Council District.

Significance: Reason for inclusion in the inventory.

Description: Brief details of the landforms or geological features of the site.

Age: Age of geological feature in international epoch terms.

Locality: Brief description of the locality.

Map Reference: Grid reference on the metric 1:50 000 sheet series.

Access: Accessibility of site for visitation.

Exposure Type: Where/how geological feature is exposed.

Classification:

Importance	-	A. International: site of international scientific importance.
		B. National: site of national scientific, educational or aesthetic importance.
		C. Regional: site of regional scientific, educational or aesthetic importance.
Vulnerability	-	1. Highly vulnerable to complete destruction or major modification by humans.
		2. Moderately vulnerable to modification by humans.
		3. Unlikely to be damaged by humans.
		4. Could be improved by human activity.
		5. Site already destroyed (not necessarily by human activity).

Hazards: Existing or perceived human threats to site.

Modifications: A description of any damage to the feature.

Reserve Status: Where known.

Informants: Earth scientists who know the site well.

Date of Information: To assist with future updating of information.

References: Literature (published and unpublished) which includes significant information on the site.

Inventory

G2 Alpine Fault (Haast-Milford), Lake McKerrow - Southland

Significance: Exposures of Alpine Fault [> 3000 m south side up and 480 km RL oblique slip-high angle reverse fault]. Has good stratigraphic and topographic controls and exposure for detailed analysis of northern Fiordland portion of fault. Fault has vertical dip, dextral displacement rate of c.200 mm/yr and landward tilting uplift rates of c.1.6 mm/yr (SE side) and c.2.2 mm/yr (NW side), Note GR above is for Kaipo River site. Hokuru site is to NW at (D39/179364). This site is monitored for precise strain measurements by the Earth Deformation Section, Institute of Geological and Nuclear Sciences Ltd (New Zealand Geological Survey).

Locality: Lake McKerrow area, Kaipo River-Hokuri Creek D39/082245

Classification: Importance = C Vulnerability = 3

Hazards: Slumping and streambank erosion.

Reserve Status: Fiordland National Park (Kaipo River) and Crown land (Hokuru).

Informants: Berryman, K R.; Hull, A G - 1986.

References:

Hull, A G; Berryman, K R., 1986: Holocene tectonism in the region of the Alpine fault at Lake McKerrow, Fiordland, New Zealand. In: Reilly, W I; Harford, B E (*eds*), Recent Crustal Movements of the Pacific Region. Royal Society of New Zealand Bulletin 24: 317-331.

G3 Anchorage Cove Springs - Southland

Description: Hot water vents.

Locality: In Anchorage Cove (off George Sound), on the sea bed, C41/571676.

Classification: Importance = C Vulnerability = 2

Reserve Status: Fiordland National Park.

Informants: Brown, L - 1988.

G4 Anita Bay bowenite - Southland

Significance: A particularly good example of gem-quality serpentine (bowenite).

Description: Attractive pale green boulders of precious serpentine.

Locality: Anita Bay, at the southern side of the mouth of Milford Sound, D40/963116.

Access: By boat. **Exposure Type:** Boulders on beach.

Classification: Importance = B Vulnerability = 2

Hazards: Over collecting.

Reserve Status: Fiordland National Park.

Informants: Challis, G A - 1991.

References:

Turner, F J, 1935: Nephrites, serpentinites and related greenstones used by the Maori. Transactions of the Royal Society of NZ 65: 187-210.

Beck, R J, 1984: New Zealand Jade. Reed Publishers: 67-72.

G5 Anita Bay dunite mylonite - Southland

Significance: Excellent example of mylonitised dunite.

Description: Foliaceous and porphyroclastic harzburgitic dunite mylonite with lesser blastomylonite, is associated with schist, and is separated from adjoining gneiss by faults.

Location: South-east end of Anita Bay, near entrance to Milford Sound. The mylonite is also well-exposed at Poison Bay, 15 km SW of Milford Sound, D40/961118.

Exposure Type: Coastal, and boulders on beach.

Reserve Status: Fiordland National Park.

Informants: Challis, G A - 1991.

References:

Wood, B L, 1972: Metamorphosed ultramafites and associated formations near Milford Sound, New Zealand. NZ Journal of Geology and Geophysics 15: 88 - 128.

G8 Bald Cone exfoliation dome, Stewart Island - Southland

Significance: An excellent example of an exfoliation dome. Classified as an extremely well defined landform of scientific/educational value. **Age:** Quaternary.

Locality: South shore of Shipbuilders Cove, Port Pegasus, Stewart Island, D50/007183.

Access: Best seen from air.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1989.

G8(a) Barracouta Point gabbro - Southland

Significance: Spectacular exposures of layered gabbroic rocks.

Description: Deformed rhythmic layering in gabbroic rocks, containing layers of relatively homogeneous pegmatitic material. **Age:** Permian.

Locality: 500 m coastal section, east of Barracouta Point, northwest part of Bluff Peninsula, E47/450957.

Classification: Importance = C Vulnerability = 3

Informants: Challis, G A - 1990.

References:

Mossman, D J., 1973: Geology of the Greenhills Ultramafic Complex, Bluff Peninsula, Southland, New Zealand. Geol. Soc. Am. Bull. 84: 39-62.

G12 Big Hellfire Beach sand pass - Southland

Significance: A very well defined example of an extensive dune system rising to 220 masl. Classified as an extremely well defined landform of scientific/educational value. **Age:** Post glacial.

Locality: From Big Hellfire Beach extending inland 1.25 km, D48/080642.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1989.

G13 Birch's Mill Pliocene shellbed - Southland

Significance: Very diverse macrofauna. Only good Pliocene fauna in southern South Island. **Age:** Pliocene.
Locality: Head of north coast of Te Waewae Bay, mouth of gully behind beach, 32 chains east of road up cliff to Birch's Mill. Thick lens of shallow water shells, C46/835366. **Fossil Record No:** C46/f9595.
Exposure Type: Coastal cliffs.
Classification: Importance = B Vulnerability = 3
Informants: Beu, A G - 1986.
References:
Wood, B L, 1969: Geology of the Tuatapere Subdivision, western Southland. NZ Geological Survey Bull 79.

G14 Blue Cliff Miocene fauna, near Port Craig - Southland

Significance: Moderately diverse Kapitean fauna. **Age:** Miocene.
Locality: Coastal cliff at west end (head) of Te Waewae Bay. C46/779362. **Fossil Record No:** C46/f9611.
Exposure Type: Coastal cliff.
Classification: Importance = C Vulnerability = 3
Hazards: Marine erosion.
Informants: Beu, A G - 1986.
References:
Fleming, C A, 1955: Kapitean (upper Miocene) Mollusca from Te Waewae Bay, Southland NZ. Trans Roy Soc NZ 82: 1049-1059.
Wood, B L, 1969: Geology of the Tuatapere subdivision, western Southland. NZ Geological Survey Bull 79.
Beu, A G. 1968: A specimen of the nautiloid *Aturia* from the Kapitean Stage (uppermost Miocene) of New Zealand. NZ Journal of Geology and Geophysics 11: 161-165.

G14(a) Bluff Hill tombolo - Southland

Locality: Tombolo connecting Bluff Hill to Flat Hill, E47/508912.
Classification: Importance = C Vulnerability = 3
Hazards: Development.
Informants: Brockie, W - 1986.

G14(b) Bluff hornfels - Southland

Significance: Well-exposed hornfels associated with norite intrusion. Some of the lower grade metamorphosed rocks have yielded Permian fossils.
Description: Higher grade rocks of Foreshore Group include hornblende hornfels derived from basic flows and tuffs. Lower grade rocks of the thermal aureole comprise the Greenhills Group, derived from mainly fine-grained volcanoclastic rocks; impure marble is also present.
Locality: Foreshore at Bluff, near War Memorial (E47/537907) and Tiwai Point (E47/543909); lower grade rocks on either side of Mokomoko Inlet (E47/480980) and also along the adjacent low-lying shore of Bluff Harbour, E47/537907.
Exposure Type: Good coastal exposures.
Classification: Importance = B Vulnerability = 3
Informants: Campbell, H J; Watters, W A - 1990.
References:
Service, H, 1937: An intrusion of norite and its accompanying contact metamorphism at Bluff, New Zealand. Transactions of the Royal Society of NZ 67: 185-217.
Mossman, D J; Force, L M, 1969: Permian fossils from the Greenhills Group, Bluff, Southland, New Zealand. NZ Journal of Geology and Geophysics 12: 659-972.

G16 Cape Providence graptolite - rich Ordovician black shales - Southland

Significance: Exceptionally well exposed black shale - turbidite association, important biostratigraphic section through lower Ordovician graptolite-rich rocks, important for understanding Ordovician paleoenvironments.
Description: Ordovician black shales intercolated with turbidite structures.
Age: Ordovician.
Locality: 4 km length of coastal platform extending from Landing Bay to Cape Providence and along coast to the Arch Stack, Fiordland, A45/037466. **Fossil Record No:** A45/f22.
Access: Boat. **Exposure Type:** Shore platform.
Classification: Importance = B Vulnerability = 2
Hazards: Mining.
Reserve Status: Fiordland National Park.
Informants: Cooper, R A; Bishop, D G - 1987.
References:
Wood, B L, in Suggate, R P; Stevens, G R; Te Punga, M T, 1978: The geology of New Zealand. Government Printer, Wellington, pg 105.

Benson, W N; Keble, R A, 1935: The geology of the regions adjacent to Preservation and Chalky Inlets, Fiordland, New Zealand - Part IV. *Trans Roy Soc* 65: 244-294.

Skwanko, S, 1958: The lower Ordovician of Cape Providence: a new graptolite zone and a new species of *Schizograptus*. *NZ Journal of Geology and Geophysics* 1 (2): 256-260.

G18 Chalky Island submarine canyon and fan deposits - Southland

Significance: The “Bellany Depocentre” represents canyon and rise sediments related to Oligocene continental borderland or shelf-edge environments located between the New Zealand continent and the southern Tasman Ocean.

Description: Continental “shelf” canyon, and rise deposits follow one another in ascending order over a section totalling some 900 m. Most sediments were deposited by subaqueous mass-transport in an Oligocene submarine canyon and fan system, and grade up into abyssal seafloor argillaceous chalk marls. The sequence unconformably overlies Drop Point Granite basement. **Age:** Eocene, Oligocene, Miocene.

Locality: Chalky Island, south-western Fiordland, at the entrance to Chalky Inlet, mostly southerly but one of the major fiords. Grid reference is for Sealers Bay, A45/096430.

G24 Cow and Calf Point gabbro intrusion, Stewart Island - Southland

Significance: Readily accessible good coastal exposures of hornblende gabbro grading into hornblendite.

Description: Gabbro exposures, similar in petrology to hornblende gabbro at Pahia Point (Longwood Complex).

Age: Jurassic.

Locality: Well exposed on both sides of Cow and Calf Point, north shore of Paterson Inlet, E48/366554.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1990.

References:

Watters, W A, 1962: Hornblende-rich gabbroic rocks from Cow and Calf Point, Stewart Island, New Zealand. *Trans. Roy. Soc. NZ Geol.* 1: 279-284.

G24(a) Curio Bay Jurassic fossil forest

Significance: Excellent exposure of rich Teraikan macroflora sequence with at least three horizons of fossil forest, some buried by lahars. In-situ tree stumps.

Description: Extensive exposure of nearly flat lying strata with exhumed tree trunks in growth position. **Age:** Jurassic.

Locality: South-eastern tip of South Island, near Waikawa town, south-east of Invercargill, G47/114869.

Fossil Record No: G47/f6494.

Access: Short walk from road. **Exposure Type:** Shore platform and low sea cliffs.

Classification: Importance = B Vulnerability = 1

Hazards: Vandalism, coastal erosion and development, removal of fossil trunks by souvenir hunters.

Reserve Status: Curio Bay Scientific Reserve.

Informants: Campbell, J D; Raine, J I; Hayward, B W - 1987.

References:

Arber, E A N, 1917: The earlier Mesozoic Floras of New Zealand. *NZ Geological Survey Pal Bull* 6.

Pocknall, D T; Tremain, R, 1988 - Tour LB1. New Zealand palynology and paleobotany. A field guide to palynological and paleobotanical localities. International Palynological Conference, 7th, tour notes. *NZ Geological Survey record* 33.

Pole, M, 1990: The Curio Bay Scientific Reserve. *Geological Society of NZ Newsletter* 89: 34-37.

G26 Darran Complex, Milford Sound - Southland

Significance: Very well-exposed meta-igneous rocks with amphibolite facies overprint (example of passage from Darran Igneous Complex to Harrison Formation layered gneisses).

Description: Partly hornblende diorite with metamorphic epidote and mica: garnet present from Bowen Valley westwards.

Locality: Bowen Falls, Milford Sound, and quarry opposite hostel, D40/078036.

Access: By foot on track from Milford Sound wharf to base of Bowen Falls.

Exposure Type: Excellent continuous coastal exposures and cliff face.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Blattner, P - 1992.

References:

Blattner, P., 1991: The north Fiordland transcurrent convergence. *NZ Journal of Geology and Geophysics* 34: 533-542.

Blattner, P; Coates, G., 1989: A guide to Milford Sound, New Zealand. *NZ Geological Survey, DSIR*. Wellington.

G28 Doubtful Sound gneisses - Southland

Significance: Well-exposed high grade gneisses of both sedimentary and igneous origin.

Description: Widespread hornblende-bearing gneiss and granulite. Metagneisses have localised marble beds (see Kellard Point marble).

Locality: Doubtful Sound (grid reference is approximate), B43/343262.

Access: Best by boat from Deep Cove, which has road access from Lake Manapouri.

Exposure Type: Excellent exposures along fiord shoreline.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Watters, W A - 1992

References:

Turner, F J, 1939 - Hornblende-gneisses, marbles and associated rocks from Doubtful Sound, Fiordland, New Zealand. Transactions of the Royal Society of NZ 68: 570-598.

Oliver, G J H, 1980: Geology of the granulite and amphibolite facies gneisses of Doubtful Sound, Fiordland, New Zealand. NZ Journal of Geology and Geophysics 23: 27-41.

G29 Dusky Sound zincian staurolite - Southland

Significance: The highest zinc content in a zincian staurolite recorded in the world, is associated with other rare minerals.

Description: A lens in medium grade metamorphic rock of the amphibolite facies with well crystallised rare minerals occurring in bands of quartz/gahnite/staurolite, with chalcopyrite and dannemorite.

Locality: Dusky Sound, 4 km NW of Mt Pender, between Wet Jacket Arm and Bowen Channel, B44/286859.

Access: By boat from Dusky Sound. Exposure Type: Heavily vegetated.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Challis, G A - 1991.

G31 Earnest Islands tombolo, Stewart Island - Southland

Significance: A particularly good example of a tombolo. Classified as an extremely well defined landform of scientific/educational value.

Locality: Connects south of Mason Bay to Earnest Islands, Stewart Island, D49/050470.

Classification: Importance = B Vulnerability = 3

Informants: Bishop, D G - 1986.

G35 Green Islets wavecut notches - Southland

Significance: A spectacular set of wave cut notches. Classified as extremely well defined landforms of scientific/educational and scenic value.

Locality: On south coast of South Island, near Green Islets, B46/309243.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Bishop D G - 1986.

References:

Bishop, D G, 1985: Inferred uplift rates from raised marine surfaces, southern Fiordland, New Zealand. NZ Journal of Geology and Geophysics 28: 243-251.

G37 Haldane Estuary - Southland

Significance: A good example of an estuary. Classified as an extremely well defined landform of scientific/educational value.

Locality: Haldane Bay, south coast of South Island, F47/061889.

Classification: Importance = C Vulnerability = 3

Reserve Status: Catlins State Forest Park.

Informants: Forestry Headquarters, Onaka - 1986.

G38 Harrold Bay spheroidal weathering, Stewart Island - Southland

Significance: An example of spheroidal weathering granite. Classified as an extremely well defined landform of scientific/educational value.

Age: Post glacial.

Locality: Harrold Bay, south side of Half Moon Bay, Stewart Island, E48/405570.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1989.

G44 Howells Point pillow lavas - Southland

Significance: Pillow lavas and pumpellyite mineral location.

Description: Well developed pillow lavas - amygdales contain radiating clusters of blue green pumpellyite. **Age:** Permian.

Locality: Coastal exposures at Howells Point, D46/282133.

Classification: Importance = B Vulnerability = 3

Reserve Status: Howells Point Domain.

Informants: Coombs, D S - 1990.

References:

Coombs, D S, 1953: The pumpellyite mineral series. *Mineralogical Magazine* 30: 113-135.

G46 Kellard Point marble - Southland

Significance: Well-exposed marble in central Fiordland high-grade gneisses.

Description: Coarse-grained marble with numerous flakes of pale brown mica (phlogopite). Other minerals include diopside and graphite.

Locality: Kellard Point, Doubtful Sound, a short distance from entrance of Crooked Arm (also exposed at entrance to Halls Arm, and Helena Falls at head of Deep Cove), B43/431224.

Access: Road to Deep Cove from Lake Manapouri, then by boat. **Exposure Type:** Good coastal exposures.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Watters, W A - 1992.

References:

Turner, F J, 1939: Hornblende-gneisses, marbles and associated rocks from Doubtful Sound, Fiordland, New Zealand. *Transactions of the Royal Society of NZ* 68: 570-598.

G49 Kisbee Bay Ordovician biostratigraphic section - Southland

Significance: Important biostratigraphic section through lower Ordovician graptolite-bearing rocks. **Age:** Ordovician.

Locality: Coastline from Kisbee Bay for 1 km to south and north, B46/239365. **Fossil Record No:** B46/f6520.

Exposure Type: Shore platform.

Classification: Importance = B Vulnerability = 2

Hazards: Marine erosion.

Reserve Status: Fiordland National Park.

Informants: Cooper, R A; Bishop, D G - 1986.

References:

Benson, W N; Keble, R A, 1935: The geology of the regions adjacent to Preservation and Chalky Inlets, Fiordland, New Zealand-Part IV. *Trans Roy Soc* 65: 244-294.

G52 Lake Hakapoua debris dam - Southland

Significance: Classified as an extremely well defined landform of scenic value.

Locality: Lake Hakapoua, south coast of South Island, B46/419308

Classification: Importance = C Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Bishop, D G - 1986.

G62 Mason Bay sand passes and dunes, Stewart Island - Southland

Significance: An extensive area of dunes and sand passes. Classified as extremely well defined landforms of scientific/educational value.

Locality: Mason Bay, Stewart Island. Grid reference is for Big Sand Pass, D48/127539.

Reserve Status: Stewart Island Forest Park.

Informants: Lawrence, R J - 1986.

G62(a) Mokomoko Inlet Permian sedimentology - Southland

Significance: Exceptionally well preserved Early Permian sea floor sedimentology.

Description: Sequence of well-bedded, indurated sandstones and mudstones.

Age: Permian.

Locality: East side of Mokomoko Inlet, near Bluff, E47/487005.

Access: By foot, north from Stanley Township Rd across private land. **Exposure Type:** Shore platform

Classification: Importance = B Vulnerability = 3

Informants: Campbell, H J; Gregory, M R - 1989.

References:

Gregory, M R; Campbell, H J., 1988: Permian sea floor, near Bluff. *Geological Society of NZ Miscellaneous Publication* 41A: p73 (Abstract).

G75 Oraka Point intrusions - Southland

Significance: Type location of Oraka Hybrids and contains basic xenoliths.

Description: Consists of a transition from granite and trondhjemite to tonalite, dolerite and orthopyroxene gabbro. The trondhjemite contain basic xenoliths in various stages of assimilation. **Age:** Permian.

Locality: Coastal section from Colac Bay to Kawakaputa Bay, D46/165117.

Classification: Importance = C Vulnerability = 3

Informants: Challis, G A - 1990.

References:

Challis, G A; Lauder, W R, 1977: Pre-Tertiary geology of the Longwood Range (Parts NZMS 1 Sheets S167, S175 and S176), 1:50 000 NZ Geological Survey Miscellaneous Series Map 11. DSIR.

G81 Pahia Point layered mafic rocks and shore platform potholes - Southland

Significance: Type location of Pahia intrusives. Very well defined shore platforms with excellent examples of potholes. Classified as an extremely well defined landform of scientific/educational value.

Description: Rock types consist of orthopyroxene, olivine and hornblende gabbro and norite in a layered mafic complex.

Age: Permian (intrusives), Post glacial (shore platform and potholes).

Locality: Pahia Point. Intrusives are exposed along coastline between Monkey Island and Pahia Point, D46/008185.

Classification: Importance = C Vulnerability = 3

Informants: Challis, G A; Watters, W A - 1990.

References:

Challis, G A; Lauder, W R, 1977: Pre-Tertiary geology of the Longwood Range (Parts NZMS 1 Sheets S167, S175 and S176), 1:50 000 NZ Geological Survey Miscellaneous Series Map 11. DSIR.

G83 Pembroke granulite - Southland

Significance: First described and probably best developed planar alteration zones in granulite, world-wide.

Description: Basic or intermediate granulite - hornblende granulite with sub-planar, randomly oriented, garnet replacement zones. Also garnet amphibolite and pegmatoid veining.

Locality: Pembroke Valley and north shore of Milford Sound, D40/050079.

Access: Boat from Milford Sound.

Exposure Type: Good exposures along shoreline of sound and along sides of Pembroke Valley.

Classification: Importance = A Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Blattner, P - 1992.

References:

Blattner, P, 1976: Replacement of hornblende by garnet in granulite facies assemblages near Milford Sound, New Zealand. Contributions to Mineralogy and Petrology 55: 181-190.

Blattner, P, 1991: The North Fiordland transcurrent convergence. NZ Journal of Geology and Geophysics 34: 533-524.

G84 Port Craig Tertiary sequence - Southland

Significance: Magnificent example of submarine turbidites (Oligocene) overlain unconformably by a nearshore bioclastic limestone/breccia sequence (Pliocene). Regionally significant unconformity of Late Miocene age, reflecting progressive uplift of Hump Ridge horst during Middle Miocene. Includes the only diverse Kapitean (Late Miocene) fauna in the southern South Island, 1.8 km NNW of Port Craig, where the Whata track to Port Craig leaves the beach and goes up the cliff.

Description: Bioclastic limestone overlapping unconformably on to basement amphibolite, then progressively younger transgressive sandstone/mudstone sediments. Port Craig Formation sediments overlying unconformity include barnacle plate limestone, shellbeds, basal conglomerate. **Age:** Oligocene, Miocene, Pliocene.

Locality: Coastal platform and cliffs from old Port Craig wharf (C46/752280) north to the Whata track (C46/742299), south-west side of Te Waewae Bay, C46/742299. **Fossil Record No:** C46/9585.

Access: Track or beach from road end at Bluecliffs, Te Waewae Bay (3-4 hr). Exposed only at low spring tide.

Exposure Type: Coastal cliffs and intertidal platform.

Classification: Importance = C Vulnerability = 3

Hazards: Slow marine erosion.

Informants: Turnbull, I M; Beu, A G - 1986.

References:

Wood, B L. 1969: Geology of the Tuatapere Subdivision, western Southland. New Zealand Geological Survey Bulletin 79.

Turnbull, I M; Uruski, C I, *et al.*, 1993: Cretaceous and Cenozoic sedimentary basins of Western Southland, South Island, New Zealand. NZ Geological Survey Basin Studies 4.

Fleming, C A, 1955: Kapitean (upper Miocene) Mollusca from Te Waewae Bay, Southland, New Zealand. Trans Roy Soc NZ 82: 1049-1059.

G85 Port William dikes, Stewart Island - Southland

Significance: Very good example of late basic and intermediate dikes cutting dioritic rocks.

Description: Well exposed late basic to intermediate dikes cutting dioritic rocks. **Age:** Jurassic.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1990.

References:

Watters, W A, 1977: Diorite and associated intrusive and metamorphic rocks between Port William and Paterson Inlet, Stewart Island and on Ruapuke Island. NZ Journal Geology and Geophysics 21: 423-442.

G87 Preservation Inlet hornfels - Southland

Significance: Well-exposed example of hornfels and contact schists.

Description: Coastal exposure of hornfels and contact schists.

Locality: Hornfels exposed north of Kisbee Bay (B46/244366) and NE point of Cording Islets, Preservation Inlet (B45/217408); contact schists exposed close to Last Cove, Long Sound (B45/278517). B46/244366.

Exposure Type: coastal

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1989.

References:

Benson, W N; Bartrum, J A, 1935: The geology of the region about Preservation and Chalky Inlets, south-west Fiordland, New Zealand. Transactions of the Royal Society of NZ 65: 108-152 (esp. pp 120-121 and pp 127-128).

G92 Puysegur Point uplifted marine platforms - Southland

Significance: Sequence of raised marine benches that have recorded uplift rates in SW Fiordland. Benches up to 100 m high record 4.3 mm/y uplift for the last 24000 years and 1-2.5 mm/y for last 7000 years. Used in international correlation.

Locality: Puysegur Point area, SW Fiordland coast, B46/168310.

Classification: Importance = B Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Bishop, D G -1983.

References:

Houghton, B F, 1981: Lithostratigraphy of the Takitimu Group, central Takitimu Mountains, western Southland, New Zealand. NZ Journal Geology and Geophysics 24: 33-348.

G94 Ringaringa intrusives, Stewart Island - Southland

Significance: Excellent, well exposed outcrops of hybrid and composite rocks developed between hornfels and acid intrusive rocks.

Description: Shows a variety of composite rocks (intrusion breccia and vein hornfels) formed where hornblende hornfels is cut by trondhjemite, quartz-rich tonalite and locally pegmatite.

Age: Jurassic.

Classification: Importance = B Vulnerability = 3

Informants: Watters, W A - 1990.

References:

Watters, W A, 1977: Diorite and associated intrusive and metamorphic rocks between Port William and Paterson Inlet, Stewart Island and on Ruapuke Island. NZ Journal of Geology and Geophysics 21: 423-442.

G98 St Anne Point gneiss - Southland

Significance: Excellent example of well exposed quartzo-feldspathic, garnetiferous gneiss, locally with marble or calc-gneiss.

Description: Quartz-plagioclase-muscovite-garnet kyanite gneiss and plagioclase-hornblende-biotite gneiss as part of St Anne formation.

Locality: St Anne Point (by white pole at lighthouse landing) at the headland at the southern entrance to Milford Sound, D40/958131. **Exposure Type:** Coastal

Classification: Importance = C Vulnerability = 3

Reserve Status: Fiordland National Park.

Informants: Watters, W A - 1989.

References:

Wood, B L, 1972: Metamorphosed ultramaphites and associated formations near Milford Sound, New Zealand. NZ Journal of Geology and Geophysics 15: 88-127.

G99 Stewart Island hornblende hornfels - Southland

Significance: A good example of hornblende hornfels.

Description: Dark, massive hornblende hornfels in masses over 30 m across as inclusions within later intrusive rock., northern end of Horseshoe Bay (E48/390595) and south end of Ringaringa Beach, (E48/398557). E48/390595

Exposure Type: Coastal.

Classification: Importance = C Vulnerability = 3

Informants: Watters, W A - 1989.

References:

Watters, W A, 1978: Diorite and associated intrusive and metamorphic rocks between Port William and Paterson Inlet, Stewart Island and on Ruapuke Island. NZ Journal of Geology and Geophysics 21(4): 423-442.

G107 Toetoes Bay submarine lignite - Southland

Significance: Submarine lignite illustrating tectonism/sea level rise since early Quaternary time.

Description: Wet lignite fragments within grey carbonaceous mud with rounded quartz pebbles. **Age:** Pleistocene.

Access: Offshore, rather difficult! **Exposure Type:** Submarine, 18 m deep.

Classification: Importance = C Vulnerability = 3

Informants: Mildenhall, D C - 1986.

References:

Couper, R A, 1951: Microflora of submarine lignite from Toetoes Bay, near Bluff, New Zealand. New Zealand Journal of Science and Technology B33: 179-186.

G113 Waikawa Estuary - Southland

Significance: A good example of an estuary. Classified as an extremely well defined landform of scientific/educational value.

Locality: Waikawa Harbour, south coast of South Island.,G47/138922.

Classification: Importance = C Vulnerability = 3

Reserve Status: Catlins State Forest Park.

Informants: Forestry Headquarters, Onaka - 1986.

G121 Waitutu uplifted marine terraces - Southland

Significance: One of the most well preserved sequence of uplifted marine terraces in NZ giving detailed Quaternary uplift history of S Fiordland.

Locality: Waitutu River area, southern Fiordland, C46/515270.

Classification: Importance = B Vulnerability = 3

Reserve Status: Waitutu State Forest.

Informants: Ward, C M - 1988.

References:

Ward, C M, 1988: Marine terraces of the Waitutu district and their relation to the late Cenozoic tectonics of the Southern Fiordland Region, New Zealand. Journal of the Royal Society of New Zealand 18: 1-28.

APPENDIX 8

Heritage and Archaeological Sites

Archaeological sites pre 1900 are protected against any disturbance under Section 99 of the Historic Place Act 1993. Permission of the New Zealand Historic Places Trust is required before they can be modified or destroyed. Under Section 2 of the Historic Places Act 1993, and 'archaeological site' is defined as: "...any place in New Zealand that -

- (a) either -
 - (i) was associated with human activity that occurred before 1900; or
 - (ii) is the site of the wreck of any ship ~~vessel~~ where that wreck occurred before 1900; and
- (b) is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand..."

This is a list of Southland Land District archaeological sites recorded under the New Zealand Archaeological Association Site Recording Scheme (which began in the 1950's). The New Zealand Archaeological Association Southland Filekeeper holds detailed records (called "site record forms") for each of these archaeological sites - hence the Southland File is the most complete and updated source of information on the sites briefly listed here.

This Central Index of New Zealand Archaeological Sites (CINZAS) is intended only as a preliminary guide - general inquiries regarding the specific nature or exact location of archaeological sites on public or private property should be made to the NZAA Southland Filekeeper.

The Southland Filekeeper also maintains silent (non-public) files on archaeological sites containing burials of human remains (usually Maori) which are not listed below. Because of the sensitive nature of these sites, the Filekeeper maintains close liaison with Iwi and the information is normally restricted. Providing the reasons for inquiry regarding burial sites are specific and genuine, the Filekeeper will endeavour to assist developers or private persons re the location of such sites but will liaise in the first instance with Iwi.

While some archaeological sites are also considered wahi tapu, NZAA records do not specifically cover such places. Information about wahi tapu needs to be obtained from relevant Iwi. The following limitations should be noted: CINZAS lists published in regional/district plans are limited to their date of publication and are not up to date. Updated information may be obtained on request from the Filekeeper. A grid reference is used to give the location of a site, but it does not delimit its extent. The location of sites is usually only recorded to within about 100 m but the accuracy may in some cases be less than this. The absence of data for a particular area should not be taken to mean that it contains no archaeological sites. It may mean that no survey has been carried out, or that sites were obscured at the time the survey was done. Sites may no longer exist (they may, for example, have been destroyed since they were recorded). Some types of site (historical archaeological sites in particular) are currently well under-represented in the NZAA Site Recording Scheme.

Filekeeping enquiries about archaeological sites should be addressed to:

The NZAA Southland Filekeeper
C/- Southland Museum and Art Gallery
PO Box 1012
Invercargill

Phone: 03 219 9069
Fax: 03 218 3872

The date this list was compiled was 18 February 1994.

It is recognised that many of these archaeological sites will be cross boundary issues and that the locations on the maps are not exact.

Over time additional sites are being identified and until such time that this Plan is reviewed, the information will be held with Te Ao Marama Inc. It is necessary that an applicant consults with Te Ao Marama Inc to ensure that the values of these additional sites are not affected.

There are two site identification numbers in the following list. The first is the Southland Regional Council's identification number which is the number found in the maps in Appendix 3. This number allows for a simpler numbering and

identification system on the maps in Appendix 3. The NZAA site number is the identification used by the New Zealand Archaeological Association. This number is also used in the Southland District Plan. Having both numbers on the list enables this Plan and the Southland District Council's District Plan to be correlated. Here is an example of how the numbering system works:

Southland Regional Council ID No 27 corresponds with NZAA site A45/1 (where A45 is the NZMS 260 sheet number and 1 is the archaeological site on that map).

ID	Ref	EASTING	NORTHI	AR_CLASS	AR_CATEG	AR_TYPE
2	A44/2	20095	54814	HIST	Transport	shipwreck
3	A44/3	20065	54739	HIST	Agricultural	dwelling / house / homestead / hut
4	A44/4	20065	54739	HIST	Industrial	boat / ship yard
5	A44/5	20095	54810	PH&M	General	historical maori settlement or marae
6	A44/6	20081	54837	PH&M	General	historical maori settlement or marae
7	A44/7	20078	54865	PH&M	General	historical Maori settlement or marae
8	A44/8	20078	54868	PH&M	General	historical Maori settlement or marae
11	A44/11	20060	54727	PH&M	General	historical Maori settlement or marae
12	A44/12	20083	54804	PH&M	Oven	oven(s) / hangi stones
13	A44/14	20081	54839	HIST	Agricultural	dwelling / house / homestead / hut
15	A44/16	20082	54740	HIST	Transport	shipwreck
16	A44/17	20081	54837	PH&M	Terrace	house floor(s)
17	A44/19	20086	54806	HIST	Domestic	fireplace / hearth
18	A44/20	20094	54814	HIST	Domestic	camp site
19	A44/22	20072	54744	PH&M	Vegetn/Cultivn	mutilated tree
20	A44/23	20064	54738	HIST	Miscellaneous	miscellaneous historical site
21	A44/25	20082	54739	HIST	Domestic	camp site
22	A44/26	20099	54741	PH&M	Terrace	house floor(s)
23	A44/27	20066	54738	HIST	Agricultural	dwelling / house / homestead / hut
24	A44/28	20065	54737	HIST	Agricultural	dwelling / house / homestead / hut
25	A44/29	20066	54738	HIST	Domestic	terrace (historical)
27	A45/1	20036	54471	PH&M	Midden	midden(s) with historical evidence
28	A45/2	20037	54469	PH&M	Midden	midden(s) with historical evidence
29	A45/3	20047	54461	PH&M	Midden	midden(s) with historical evidence
30	A45/4	20035	54473	PH&M	Cave	habitation cave or shelter without art
31	A45/5	20033	54474	HIST	Industrial	sealers' camp
32	A45/6	20028	54511	PH&M	Cave	habitation cave or shelter without art
33	A45/7	20085	54482	PH&M	Cave	habitation cave or shelter without art
34	A45/8	20036	54471	HIST	Industrial	sealers' camp
35	A45/9	20084	54484	PH&M	Cave	habitation cave or shelter without art
36	A45/10	20047	54464	PH&M	Cave	habitation cave or shelter without art
37	A45/11	20026	54539	PH&M	Cave	habitation cave or shelter without art
38	A45/12	20026	54523	PH&M	Cave	habitation cave or shelter without art
39	A45/13	20047	54467	PH&M	Cave	habitation cave or shelter without art
40	A45/14	20026	54524	PH&M	Cave	habitation cave or shelter without art
41	A45/15	20028	54511	PH&M	Cave	habitation cave or shelter without art
42	B43/1	20345	55239	PH&M	Cave	habitation cave or shelter without art
43	B43/2	20383	55282	PH&M	Cave	habitation cave or shelter without art
44	B43/3	20199	55041	PH&M	Oven	oven(s) / hangi stones
45	B43/4	20191	55038	PH&M	Pit	pit(s)
46	B43/5	20327	55010	PH&M	Midden	midden(s)
47	B43/6	20404	55273	HIST	Agricultural	dwelling / house / homestead / hut
48	B43/7	20327	55010	PH&M	Cave	habitation cave or shelter without art
49	B43/8	20327	55010	PH&M	Cave	habitation cave or shelter without art
50	B44/1	20139	54729	PH&M	Cave	habitation cave or shelter without art
51	B44/2	20183	54749	HIST	Agricultural	dwelling / house / homestead / hut
52	B44/3	20125	54730	PH&M	Midden	midden(s)
53	B44/4	20139	54725	PH&M	Midden	midden(s)
54	B44/5	20113	54788	PH&M	Vegetn/Cultivn	mutilated tree
55	B44/6	20126	54733	PH&M	Oven	oven(s) / hangi stones
56	B44/7	20108	54706	HIST	Industrial	brewery / distillery
57	B44/8	20108	54707	HIST	Miscellaneous	miscellaneous historical site
58	B44/9	20113	54788	PH&M	General	occupation / habitation (non-specific)
59	B44/10	20108	54705	PH&M	General	historical Maori settlement or marae
60	B44/11	20162	54790	HIST	Transport	signal station / lookout
61	B44/14	20152	54728	PH&M	Cave	habitation cave or shelter without art
62	B44/16	20126	54734	PH&M	Pit	pit(s)
63	B44/18	20394	54799	HIST	Agricultural	dwelling / house / homestead / hut

ID	Ref	EASTING	NORTH	AR_CLASS	AR_CATEG	AR_TYPE
64	B44/19	20237	54773	PH&M	Cave	habitation cave or shelter without art
65	B44/20	20282	54781	PH&M	Terrace	house floor(s)
66	B44/21	20400	54838	PH&M	General	historical Maori settlement or marae
67	B44/22	20270	54787	PH&M	Cave	habitation cave or shelter without art
69	B44/24	20163	54921	PH&M	General	historical Maori settlement or marae
70	B44/25	20399	54942	PH&M	Cave	habitation cave or shelter without art
71	B44/26	20141	54732	PH&M	Cave	habitation cave or shelter without art
74	B44/29	20115	54785	PH&M	Vegetn/Cultivn	mutilated tree
75	B44/32	20156	54775	HIST	Agricultural	dwelling / house / homestead / hut
76	B44/33	20154	54773	HIST	Industrial	sealers' camp
77	B44/34	20108	54756	PH&M	Cave	habitation cave or shelter without art
78	B44/35	20128	54778	PH&M	Cave	habitation cave or shelter without art
79	B44/36	20127	54777	PH&M	Vegetn/Cultivn	mutilated tree
80	B44/37	20105	54790	HIST	Agricultural	pump / well / spring
81	B44/38	20299	54824	HIST	Agricultural	dwelling / house / homestead / hut
82	B44/40	20325	54751	HIST	Agricultural	dwelling / house / homestead / hut
85	B45/1	20122	54694	PH&M	Cave	habitation cave or shelter without art
86	B45/2	20106	54692	PH&M	General	historical Maori settlement or marae
87	B45/3	20121	54695	HIST	Industrial	sealers' camp
88	B45/4	20149	54452	PH&M	Cave	habitation cave or shelter without art
89	B45/5	20138	54436	PH&M	Cave	habitation cave or shelter without art
90	B45/6	20105	54432	PH&M	Art	cave/shelter with rock art
91	B45/7	20143	54445	PH&M	Midden	midden(s)
92	B45/8	20143	54443	PH&M	Cave	habitation cave or shelter without art
93	B45/9	20102	54431	PH&M	Cave	habitation cave or shelter without art
94	B45/10	20117	54508	HIST	General	settlement / town
95	B45/11	20149	54447	HIST	Domestic	midden(s) with historical evidence
96	B45/12	20148	54447	PH&M	Cave	habitation cave or shelter without art
97	B45/13	20149	54447	PH&M	Cave	habitation cave or shelter without art
98	B45/14	20148	54449	PH&M	Cave	habitation cave or shelter without art
99	B45/15	20148	54449	PH&M	Cave	habitation cave or shelter without art
100	B45/16	20148	54449	PH&M	Cave	habitation cave or shelter without art
101	B45/17	20148	54449	PH&M	Cave	habitation cave or shelter without art
102	B45/18	20149	54451	PH&M	Cave	habitation cave or shelter without art
103	B45/19	20149	54451	PH&M	Cave	habitation cave or shelter without art
104	B45/20	20149	54451	PH&M	Cave	habitation cave or shelter without art
105	B45/21	20149	54451	PH&M	Midden	midden(s) with historical evidence
106	B45/22	20139	54441	PH&M	Cave	habitation cave or shelter without art
107	B45/23	20143	54442	PH&M	Midden	midden(s) with historical evidence
108	B45/24	20148	54454	PH&M	Cave	habitation cave or shelter without art
109	B45/25	20136	54512	HIST	Transport	shipwreck
110	B45/26	20195	54411	HIST	Industrial	whaling station
111	B45/27	20197	54411	HIST	Industrial	gold mine
112	B45/28	20121	54695	PH&M	Cave	habitation cave or shelter without art
113	B45/29	20223	54445	HIST	Industrial	mine (not gold or coal)
114	B45/30	20223	54443	HIST	Agricultural	dwelling / house / homestead / hut
115	B45/31	20218	54418	PH&M	Cave	habitation cave or shelter without art
116	B45/32	20218	54419	PH&M	Cave	habitation cave or shelter without art
117	B45/33	20221	54413	PH&M	Cave	habitation cave or shelter without art
118	B45/34	20212	54404	PH&M	Cave	habitation cave or shelter without art
119	B45/35	20223	54404	PH&M	Cave	habitation cave or shelter without art
120	B45/36	20216	54408	PH&M	Cave	habitation cave or shelter without art
121	B45/37	20212	54404	PH&M	Cave	habitation cave or shelter without art
122	B45/38	20223	54409	PH&M	Cave	habitation cave or shelter without art
123	B45/39	20223	54408	PH&M	Cave	habitation cave or shelter without art
124	B45/40	20177	54403	PH&M	Cave	habitation cave or shelter without art
125	B45/41	20174	54403	HIST	Transport	signal station / lookout
126	B45/42	20143	54443	PH&M	Midden	midden(s)
127	B45/43	20142	54444	PH&M	Cave	habitation cave or shelter without art
128	B45/44	20143	54443	HIST	Industrial	prospecting trenches or pits
129	B45/45	20107	54505	HIST	Agricultural	dwelling / house / homestead / hut
130	B45/48	20154	54419	HIST	Forestry	timber mill
131	B45/50	20281	54430	HIST	Forestry	timber mill
132	B45/51	20281	54432	PH&M	Midden	midden(s)
133	B45/54	20218	54415	PH&M	Cave	habitation cave or shelter without art
134	B45/55	20218	54415	PH&M	Cave	habitation cave or shelter without art

ID	Ref	EASTING	NORTHI	AR_CLASS	AR_CATEG	AR_TYPE
135	B45/56	20194	54406	HIST	Industrial	gold mine
136	B45/57	20196	54416	PH&M	Cave	habitation cave or shelter without art
137	B45/58	20196	54416	HIST	Industrial	gold mine
138	B45/59	20180	54539	PH&M	Cave	habitation cave or shelter without art
139	B45/60	20181	54539	PH&M	Cave	habitation cave or shelter without art
140	B45/61	20178	54539	PH&M	Cave	habitation cave or shelter without art
142	B45/63	20143	54445	PH&M	Cave	habitation cave or shelter without art
143	B45/64	20160	54497	PH&M	Cave	habitation cave or shelter without art
144	B45/65	20162	54500	PH&M	Cave	habitation cave or shelter without art
145	B45/66	20164	54501	PH&M	Cave	habitation cave or shelter without art
146	B45/67	20179	54504	PH&M	Cave	habitation cave or shelter without art
147	B45/68	20173	54507	PH&M	Cave	habitation cave or shelter without art
148	B45/69	20174	54508	PH&M	Cave	habitation cave or shelter without art
149	B45/70	20175	54508	PH&M	Cave	habitation cave or shelter without art
150	B45/71	20100	54444	PH&M	Cave	habitation cave or shelter without art
151	B45/72	20102	54486	PH&M	Cave	habitation cave or shelter without art
152	B45/73	20147	54464	PH&M	Cave	habitation cave or shelter without art
153	B45/74	20149	54462	PH&M	Cave	habitation cave or shelter without art
154	B45/75	20146	54464	PH&M	Cave	habitation cave or shelter without art
155	B45/76	20132	54406	PH&M	Cave	habitation cave or shelter without art
156	B45/77	20180	54563	PH&M	Cave	habitation cave or shelter without art
157	B46/1	20216	54389	PH&M	Cave	habitation cave or shelter without art
158	B46/7	20142	54395	HIST	Industrial	gold mine
159	B46/8	20489	54254	PH&M	Artefact	findspot in rock shelter
160	B46/9	20341	54262	PH&M	Cave	habitation cave or shelter without art
161	B46/10	20307	54242	PH&M	Oven	oven(s) / hangi stones
163	B46/12	20322	54257	PH&M	Cave	habitation cave or shelter without art
164	B46/13	20405	54259	PH&M	Cave	habitation cave or shelter without art
165	B46/14	20165	54344	HIST	Agricultural	dwelling / house / homestead / hut
166	B46/15	20248	54259	PH&M	Midden	midden(s)
167	B46/17	20221	54264	HIST	Industrial	gold mine
168	B46/18	20223	54263	PH&M	Cave	habitation cave or shelter without art
169	B46/19	20202	54346	HIST	Agricultural	dwelling / house / homestead / hut
170	B46/20	20221	54264	HIST	Domestic	settlement / town
174	B46/25	20173	54318	HIST	Industrial	gold mine
175	B46/27	20200	54376	HIST	Domestic	cave or rock shelter (historical)
176	B46/28	20199	54377	HIST	Industrial	prospecting trenches or pits
177	B46/29	20200	54375	HIST	Industrial	mine (not gold or coal)
178	B46/30	20200	54375	PH&M	Cave	habitation cave or shelter without art
179	B46/31	20203	54374	PH&M	Pit	pit(s)
180	B46/32	20226	54358	HIST	Admin/Commerc	stable / hitching post
181	B46/33	20223	54390	PH&M	Cave	habitation cave or shelter without art
182	B46/34	20223	54389	PH&M	Cave	habitation cave or shelter without art
183	B46/35	20223	54390	HIST	Forestry	track / road / road tunnel
184	B46/37	20238	54372	HIST	Religious	cemetery / burial ground
185	B46/39	20244	54367	HIST	General	settlement / town
186	B46/40	20244	54363	HIST	Forestry	timber mill
187	B46/41	20244	54363	HIST	Transport	railway / tramway
189	B46/43	20214	54351	HIST	General	settlement / town
191	B46/45	20172	54325	HIST	Industrial	coal mine
192	B46/46	20163	54327	HIST	Industrial	coal mine
193	B46/47	20309	54249	PH&M	Midden	oven(s) / midden(s)
194	B46/48	20330	54260	PH&M	Artefact	artefact(s) / findspot
197	B46/51	20341	54262	PH&M	Cave	habitation cave or shelter without art
198	B46/52	20280	54254	PH&M	Cave	habitation cave or shelter without art
199	B46/53	20322	54257	PH&M	Cave	habitation cave or shelter without art
200	B46/54	20322	54257	PH&M	Midden	midden(s)
201	B46/55	20311	54249	PH&M	Cave	habitation cave or shelter without art
202	B46/56	20200	54376	HIST	Industrial	prospecting trenches or pits
203	B46/57	20200	54375	HIST	Industrial	prospecting trenches or pits
205	B46/59	20222	54387	PH&M	Cave	habitation cave or shelter without art
206	B46/60	20224	54382	PH&M	Cave	habitation cave or shelter without art
207	B46/61	20225	54379	PH&M	Cave	habitation cave or shelter without art
208	B46/62	20225	54379	PH&M	Cave	habitation cave or shelter without art
209	B46/63	20225	54377	PH&M	Cave	habitation cave or shelter without art
210	B46/64	20226	54374	PH&M	Cave	habitation cave or shelter without art

ID	Ref	EASTING	NORTH	AR_CLASS	AR_CATEG	AR_TYPE
211	B46/65	20226	54373	PH&M	Cave	habitation cave or shelter without art
212	B46/66	20227	54371	PH&M	Cave	habitation cave or shelter without art
213	B46/67	20229	54387	HIST	Industrial	gold mine
214	B46/68	20205	54373	PH&M	Cave	habitation cave or shelter without art
215	B46/69	20205	54373	HIST	Industrial	gold mine
216	B46/70	20205	54373	PH&M	Cave	habitation cave or shelter without art
217	B46/71	20206	54382	HIST	Industrial	prospecting trenches or pits
218	B46/72	20206	54382	HIST	Agricultural	dwelling / house / homestead / hut
219	B46/73	20204	54381	HIST	Industrial	gold mine
220	B46/74	20206	54385	HIST	Agricultural	dwelling / house / homestead / hut
221	B46/75	20204	54385	PH&M	Cave	habitation cave or shelter without art
222	B46/76	20204	54385	PH&M	Cave	habitation cave or shelter without art
223	B46/77	20193	54370	HIST	Industrial	gold mine
224	B46/78	20141	54388	HIST	Industrial	gold mine
225	B46/79	20141	54389	HIST	Industrial	gold mine
226	B46/80	20140	54392	HIST	Agricultural	dwelling / house / homestead / hut
228	B46/82	20175	54323	PH&M	Cave	habitation cave or shelter without art
229	B46/83	20183	54305	HIST	Water Control	water race / water pipeline / aquaduct
230	B46/84	20418	54263	PH&M	Artefact	artefact(s) / findspot (wooden items)
231	B46/85	20418	54261	PH&M	Cave	habitation cave or shelter without art
232	B46/87	20184	54305	PH&M	Oven	oven(s) / hangi stones
234	B46/89	20180	54325	HIST	Transport	wharf / jetty / landing
235	B46/90	20167	54309	HIST	Transport	track / road / road tunnel
236	C40/1	20810	55944	PH&M	Cave	habitation cave or shelter without art
237	C40/2	20835	55915	PH&M	Midden	midden(s)
239	C41/2	20769	55778	PH&M	Cave	habitation cave or shelter without art
240	C41/3	20769	55778	PH&M	Cave	habitation cave or shelter without art
241	C41/4	20783	55778	PH&M	Cave	habitation cave or shelter without art
242	C41/5	20784	55775	PH&M	General	historical Maori settlement or marae
243	C41/6	20787	55857	PH&M	Cave	habitation cave or shelter without art
244	C41/7	20532	55611	HIST	Domestic	camp site
245	C41/8	20512	55601	HIST	Domestic	camp site
246	C41/9	20693	55715	PH&M	Artefact	artefact(s) / findspot
248	C41/11	20509	55601	HIST	Industrial	mine (not gold or coal)
253	C42/5	20619	55582	HIST	Agricultural	dwelling / house / homestead / hut
278	C46/1	20887	54350	PH&M	Midden	midden(s)
279	C46/2	20881	54353	PH&M	Midden	oven(s) / midden(s)
280	C46/3	20808	54364	PH&M	Artefact	artefact(s) / findspot
283	C46/6	20880	54354	PH&M	Midden	midden(s)
284	C46/7	20879	54356	PH&M	Midden	midden(s)
285	C46/8	20878	54356	PH&M	Artefact	artefact(s) / findspot
286	C46/9	20899	54347	PH&M	Artefact	artefact(s) / findspot
287	C46/10	20888	54353	PH&M	Artefact	artefact(s) / findspot
288	C46/11	20810	54364	PH&M	Midden	midden(s)
289	C46/12	20808	54363	PH&M	Midden	midden(s)
290	C46/13	20767	54326	PH&M	Cave	habitation cave or shelter without art
291	C46/14	20758	54322	PH&M	Cave	habitation cave or shelter without art
292	C46/15	20765	54324	PH&M	Midden	midden(s)
293	C46/16	20749	54285	PH&M	Cave	habitation cave or shelter without art
294	C46/17	20749	54287	PH&M	Cave	habitation cave or shelter without art
295	C46/18	20749	54287	PH&M	Cave	habitation cave or shelter without art
296	C46/19	20742	54300	PH&M	Midden	midden(s)
297	C46/21	20780	54360	HIST	Forestry	timber mill
298	C46/22	20856	54362	PH&M	Midden	midden(s)
299	C46/23	20866	54359	PH&M	Midden	midden(s)
300	C46/24	20750	54281	PH&M	Artefact	artefact(s) / findspot
301	C46/25	20751	54281	HIST	Forestry	timber mill
302	C46/26	20733	54247	PH&M	Midden	midden(s)
304	C46/28	20608	54229	PH&M	Midden	midden(s)
305	C46/29	20560	54231	PH&M	Artefact	artefact(s) / findspot
306	C46/30	20607	54229	PH&M	Artefact	artefact(s) / findspot
307	C46/31	20721	54243	PH&M	Midden	oven(s) / midden(s)
309	C46/33	20742	54300	PH&M	Miscellaneous	storehouse site
311	D39/1	20990	56220	PH&M	Artefact	artefact(s) / findspot
313	D39/4	21205	56459	PH&M	Artefact	artefact(s) / findspot
315	D39/7	21209	56456	PH&M	Midden	midden(s)

ID	Ref	EASTING	NORTH	AR_CLASS	AR_CATEG	AR_TYPE
316	D39/8	21174	56484	PH&M	Midden	oven(s) / midden(s)
317	D39/9	21172	56411	PH&M	Artefact	artefact(s) / findspot
328	D40/13	21060	56012	HIST	Domestic	chimney
400	D46/2	20907	54341	PH&M	Oven	oven(s) / hangi stones
401	D46/5	20916	54339	PH&M	Artefact	artefact(s) / findspot
402	D46/6	20914	54340	PH&M	Artefact	artefact(s) / findspot
403	D46/7	20903	54344	PH&M	Oven	oven(s) / hangi stones
404	D46/8	21043	54232	PH&M	Artefact	artefact(s) / findspot
407	D46/11	20938	54328	PH&M	Oven	oven(s) / hangi stones
408	D46/12	20938	54328	HIST	Industrial	flax mill
416	D46/20	21031	54248	HIST	Industrial	flax mill
422	D46/26	21043	54232	HIST	Industrial	gold mining machinery or plant
424	D46/28	21031	54249	PH&M	Midden	oven(s) / midden(s)
426	D46/30	21042	54211	PH&M	Artefact	artefact(s) / findspot
428	D46/32	20961	54315	PH&M	Oven	oven(s) / hangi stones
431	D46/35	21214	54153	PH&M	Industrial	flaking area
432	D46/36	21131	54139	PH&M	Industrial	flaking area
433	D46/37	21144	54135	PH&M	Industrial	flaking area
434	D46/38	21132	54141	PH&M	Midden	midden(s)
435	D46/39	21199	54159	PH&M	Midden	midden(s)
436	D46/40	21211	54155	PH&M	Midden	midden(s)
437	D46/41	21231	54144	PH&M	Midden	midden(s)
438	D46/42	21242	54140	PH&M	Industrial	flaking area
439	D46/43	21248	54140	PH&M	Industrial	flaking area
440	D46/44	21249	54140	PH&M	Midden	midden(s)
441	D46/45	21250	54138	PH&M	Midden	midden(s)
442	D46/46	21251	54138	PH&M	Midden	midden(s)
443	D46/47	21254	54137	PH&M	Midden	midden(s)
447	D46/52	21150	54121	PH&M	Midden	midden and flaking area
448	D46/53	21149	54121	PH&M	Industrial	flaking area
451	D46/58	21165	54121	PH&M	Midden	oven(s) / midden(s)
452	D46/59	21263	54165	PH&M	General	historical Maori settlement or marae
453	D46/60	21157	54140	PH&M	General	historical Maori settlement or marae
454	D46/61	21164	54131	PH&M	Midden	oven(s) / midden(s)
457	D46/64	21029	54170	PH&M	Defensive	pā
458	D46/65	21028	54174	PH&M	Industrial	flaking area
459	D46/66	21031	54175	PH&M	Pit	pit(s) / terrace(s) (or house site(s))
460	D46/67	21032	54177	PH&M	General	historical Maori settlement or marae
461	D46/68	21039	54174	PH&M	General	occupation / habitation (non-specific)
462	D46/69	21032	54178	PH&M	Oven	oven(s) / hangi stones
463	D46/70	21047	54164	PH&M	General	historical Maori settlement or marae
465	D46/72	21042	54232	PH&M	General	occupation / habitation (non-specific)
466	D46/73	21039	54211	PH&M	Midden	midden(s)
467	D46/74	21039	54211	PH&M	Midden	midden(s)
468	D46/75	21039	54211	PH&M	Oven	oven(s) / hangi stones
469	D46/76	21010	54189	PH&M	Industrial	flaking area
470	D46/77	21009	54186	PH&M	Artefact	artefact(s) / findspot
472	D46/79	21008	54184	PH&M	Oven	oven(s) / hangi stones
473	D46/80	21012	54177	PH&M	Oven	oven(s) / hangi stones
474	D46/81	21024	54174	PH&M	Oven	oven(s) / hangi stones
475	D46/82	21029	54176	PH&M	Oven	oven(s) / hangi stones
476	D46/83	21011	54180	PH&M	Oven	oven(s) / hangi stones
477	D46/84	21009	54188	PH&M	Oven	oven(s) / hangi stones
478	D46/85	21010	54191	PH&M	Oven	oven(s) / hangi stones
479	D46/86	21008	54193	PH&M	Oven	oven(s) / hangi stones
480	D46/87	21008	54193	PH&M	Oven	oven(s) / hangi stones
483	D46/90	21041	54227	HIST	General	building foundation
484	D46/91	21038	54239	PH&M	Industrial	stone source
486	D46/93	21029	54251	PH&M	Oven	oven(s) / hangi stones
487	D46/94	21023	54257	PH&M	Oven	oven(s) / hangi stones
488	D46/95	20999	54277	PH&M	Industrial	stone source
492	D46/99	20974	54303	PH&M	Artefact	artefact(s) / findspot
493	D46/100	20979	54298	PH&M	Oven	oven(s) / hangi stones
496	D46/103	20925	54334	PH&M	Artefact	artefact(s) / findspot
497	D46/104	21038	54212	PH&M	Artefact	artefact(s) / findspot
498	D46/105	20940	54326	PH&M	Oven	oven(s) / hangi stones

ID	Ref	EASTING	NORTHI	AR_CLASS	AR_CATEG	AR_TYPE
500	D46/108	21050	54164	PH&M	Artefact	artefact(s) / findspot
503	D46/111	21221	54182	PH&M	Midden	midden(s)
507	D46/115	21266	54188	PH&M	Midden	midden(s)
508	D46/116	21296	54184	HIST	Industrial	flax mill
509	D46/117	21268	54161	PH&M	Midden	midden(s)
510	D46/118	21250	54197	PH&M	Midden	oven(s) / midden(s)
511	D46/119	21252	54187	PH&M	Midden	midden(s)
512	D46/120	21238	54182	PH&M	Oven	oven(s) / hangi stones
513	D46/121	21240	54181	HIST	Agricultural	dwelling / house / homestead / hut
514	D46/122	21241	54182	HIST	Agricultural	dwelling / house / homestead / hut
516	D46/124	21239	54182	PH&M	Artefact	artefact(s) / findspot
517	D46/125	21239	54181	PH&M	Midden	oven(s) / midden(s)
519	D46/127	21224	54187	PH&M	Artefact	artefact(s) / findspot
520	D46/128	21223	54188	PH&M	Midden	midden(s)
523	D46/131	21213	54154	PH&M	Midden	midden and flaking area
524	D46/132	21217	54151	PH&M	Oven	oven(s) / midden(s)
525	D46/133	21219	54150	PH&M	Cave	habitation cave or shelter without art
526	D46/134	21222	54148	PH&M	Industrial	flaking area
527	D46/135	21217	54151	PH&M	Cave	habitation cave or shelter without art
529	D46/137	21221	54150	PH&M	Industrial	midden and flaking area
530	D46/138	21256	54167	PH&M	Industrial	midden and flaking area
531	D46/139	21257	54166	PH&M	Midden	midden(s)
532	D46/140	21222	54149	PH&M	Midden	midden and flaking area
563	D46/171	21039	54212	PH&M	Artefact	artefact(s) / findspot
564	D46/172	21266	54162	HIST	Industrial	whaling station
566	D48/1	21071	53753	PH&M	Industrial	flaking area
567	D48/2	21067	53731	PH&M	Midden	oven(s) / midden(s)
568	D48/3	21102	53589	PH&M	Oven	oven(s) / hangi stones
569	D48/4	21102	53580	PH&M	Midden	midden(s)
570	D48/5	21007	53693	HIST	Industrial	sealers' camp
573	D48/9	21281	53692	HIST	Forestry	timber mill
574	D48/10	21144	53771	HIST	General	settlement / town
576	D48/14	21190	53783	PH&M	General	occupation / habitation (non-specific)
578	D48/16	21272	53528	PH&M	Midden	midden(s)
579	D48/17	21299	53557	PH&M	Midden	midden(s)
580	D48/18	21065	53669	PH&M	Oven	oven(s) / hangi stones
582	D48/20	21223	53770	PH&M	Artefact	artefact(s) / findspot
583	D48/21	21013	53690	PH&M	Midden	midden(s) with historical evidence
584	D48/24	21125	53539	PH&M	Artefact	artefact(s) / findspot
585	D48/26	21095	53605	PH&M	Midden	midden(s)
586	D48/27	21103	53585	PH&M	Midden	midden(s)
587	D48/28	21109	53565	PH&M	Midden	midden(s)
588	D49/1	21058	53470	PH&M	General	occupation / habitation (non-specific)
590	D49/3	21073	53399	HIST	Industrial	sealers' camp
592	D49/5	21053	53471	PH&M	Artefact	artefact(s) / findspot
593	D49/6	21105	53498	PH&M	Midden	oven(s) / midden(s)
594	D49/7	21234	53481	HIST	Forestry	timber mill
596	D49/9	21024	53212	PH&M	Oven	oven(s) / hangi stones
597	D49/10	21012	53213	PH&M	Oven	oven(s) / hangi stones
598	D49/11	21123	53247	PH&M	Industrial	flaking area
599	D49/12	21025	53201	PH&M	Cave	habitation cave or shelter without art
600	D49/14	21025	53214	PH&M	Terrace	house floor(s)
603	D49/17	21021	53217	HIST	Industrial	sealers' camp
604	D49/18	21034	53207	HIST	Agricultural	dwelling / house / homestead / hut
605	D49/19	21035	53209	HIST	Agricultural	dwelling / house / homestead / hut
606	D49/20	21030	53208	PH&M	Midden	midden(s)
607	D49/21	21048	53223	PH&M	Midden	midden(s)
613	D49/27	21025	53206	PH&M	Cave	habitation cave or shelter without art
614	D49/28	21049	53467	PH&M	Midden	midden(s)
615	D49/30	21080	53477	PH&M	Artefact	artefact(s) / findspot
616	D50/1	21022	53156	PH&M	Midden	oven(s) / midden(s)
617	D50/4	21010	53168	PH&M	Midden	midden(s)
618	D50/5	21025	53197	HIST	Agricultural	dwelling / house / homestead / hut
619	D50/6	21007	53156	PH&M	Midden	midden(s)
620	D50/7	21006	53157	PH&M	Artefact	artefact(s) / findspot
621	D50/8	20996	53145	PH&M	Cave	habitation cave or shelter without art

ID	Ref	EASTING	NORTH	AR_CLASS	AR_CATEG	AR_TYPE
622	D50/9	20999	53146	PH&M	Cave	habitation cave or shelter without art
623	D50/10	20994	53142	HIST	Industrial	industrial site
624	D50/11	20996	53142	HIST	Agricultural	dwelling / house / homestead / hut
625	D50/12	21014	53169	PH&M	Cave	habitation cave or shelter without art
626	D50/13	21024	53159	PH&M	Cave	habitation cave or shelter without art
627	D50/14	20974	53169	PH&M	Midden	midden(s)
628	D50/15	20975	53169	PH&M	Cave	habitation cave or shelter without art
631	D50/18	21014	53180	PH&M	Cave	habitation cave or shelter without art
632	D50/19	21028	53163	PH&M	Midden	midden(s)
633	D50/20	21027	53163	PH&M	Midden	midden(s)
691	E46/1	21401	54140	PH&M	Midden	midden or oven(s) or both with moa bone
707	E46/17	21334	54182	HIST	Transport	shipwreck
731	E47/3	21547	53916	PH&M	Oven	oven(s) / hangi stones
732	E47/4	21494	53915	PH&M	Midden	midden(s)
733	E47/5	21490	53977	PH&M	Midden	midden or oven(s) or both with moa bone
734	E47/8	21583	53854	PH&M	Artefact	artefact(s) / findspot
735	E47/9	21585	53855	PH&M	Industrial	flaking area
736	E47/10	21585	53852	PH&M	Artefact	artefact(s) / findspot
737	E47/11	21581	53855	PH&M	Pit	pit(s)
738	E47/12	21588	53852	PH&M	Artefact	artefact(s) / findspot
739	E47/13	21554	53919	PH&M	Industrial	flaking area
740	E47/15	21470	53952	PH&M	Midden	oven(s) / midden(s)
741	E47/16	21477	53939	PH&M	Midden	oven(s) / midden(s)
742	E47/17	21476	53928	PH&M	Midden	midden(s)
743	E47/18	21509	53906	PH&M	Industrial	flaking area
744	E47/19	21500	53912	PH&M	Industrial	flaking area
746	E47/21	21495	53955	PH&M	Industrial	flaking area
747	E47/22	21507	53966	PH&M	Industrial	flaking area
748	E47/23	21510	53935	PH&M	Industrial	flaking area
749	E47/24	21512	53937	PH&M	Industrial	flaking area
750	E47/25	21509	53938	PH&M	Industrial	flaking area
751	E47/26	21442	53961	PH&M	Artefact	artefact(s) / findspot
752	E47/28	21466	54061	PH&M	Midden	midden(s)
753	E47/29	21470	54060	PH&M	Midden	midden(s)
754	E47/30	21472	54060	PH&M	Midden	oven(s) / midden(s)
755	E47/31	21473	54060	PH&M	Midden	oven(s) / midden(s)
756	E47/32	21473	54060	PH&M	Midden	midden(s)
757	E47/33	21474	54060	PH&M	Midden	oven(s) / midden(s)
758	E47/34	21467	54061	PH&M	Midden	midden(s)
759	E47/35	21474	54061	PH&M	Midden	midden(s)
760	E47/36	21473	54060	HIST	Transport	wharf / jetty / landing
761	E47/37	21477	54062	HIST	Industrial	mine (not gold or coal)
762	E47/38	21556	53928	PH&M	Industrial	stone source
763	E47/39	21528	54083	PH&M	Midden	oven(s) / midden(s)
764	E47/40	21529	54083	PH&M	Midden	midden(s)
766	E47/42	21571	53914	PH&M	Oven	oven(s) / hangi stones
767	E47/43	21570	53914	PH&M	Oven	oven(s) / midden(s)
768	E47/44	21551	53910	PH&M	Oven	oven(s) / hangi stones
769	E47/45	21550	53917	PH&M	Industrial	flaking area
770	E47/46	21553	53920	PH&M	Oven	oven(s) / hangi stones
771	E47/47	21553	53921	PH&M	Oven	oven(s) / hangi stones
772	E47/48	21553	53922	PH&M	Oven	oven(s) / midden(s)
773	E47/49	21553	53925	PH&M	Midden	midden(s)
774	E47/50	21553	53926	PH&M	Midden	oven(s) / midden(s)
775	E47/51	21554	53928	PH&M	Oven	oven(s) / hangi stones
776	E47/52	21555	53929	PH&M	Midden	midden(s)
777	E47/53	21557	53929	PH&M	Midden	midden(s)
779	E47/55	21562	53929	PH&M	Oven	oven(s) / hangi stones
780	E47/56	21605	53937	PH&M	Oven	oven(s) / hangi stones
781	E47/57	21655	53916	PH&M	Artefact	artefact(s) / findspot
782	E47/58	21607	53955	PH&M	Oven	oven(s) / hangi stones
783	E47/59	21547	53950	PH&M	Artefact	artefact(s) / findspot
784	E47/60	21545	53953	PH&M	Artefact	artefact(s) / findspot
785	E47/61	21514	53968	PH&M	Oven	oven(s) / hangi stones
787	E47/63	21490	54036	PH&M	Oven	oven(s) / hangi stones
790	E47/66	21492	54024	PH&M	Artefact	artefact(s) / findspot

ID	Ref	EASTING	NORTHI	AR_CLASS	AR_CATEG	AR_TYPE
793	E47/70	21490	54035	HIST	Agricultural	farm building
794	E47/71	21491	54041	HIST	General	building foundation
797	E47/74	21510	53967	PH&M	Industrial	quarry
798	E47/75	21510	53965	PH&M	Industrial	flaking area
799	E47/76	21508	53965	PH&M	Industrial	flaking area
800	E47/77	21496	53961	PH&M	Artefact	artefact(s) / findspot
801	E47/78	21544	53910	HIST	Religious	cemetery / burial ground
802	E47/79	21590	53905	HIST	Transport	shipwreck
803	E47/80	21492	54034	PH&M	Midden	midden(s)
804	E47/81	21483	53999	PH&M	Industrial	flaking area
805	E47/82	21586	53853	PH&M	Midden	midden(s)
806	E47/83	21581	53856	PH&M	Industrial	flaking area
807	E47/84	21582	53854	PH&M	Industrial	flaking area
808	E47/85	21582	53853	PH&M	Industrial	flaking area
809	E47/86	21587	53851	HIST	Industrial	mine (not gold or coal)
810	E47/87	21462	54064	PH&M	Industrial	midden and flaking area
812	E47/89	21585	53855	PH&M	Artefact	artefact(s) / findspot
813	E47/90	21506	53914	PH&M	Midden	oven(s) / midden(s)
814	E47/91	21506	53915	PH&M	Midden	midden(s)
815	E47/92	21508	53912	PH&M	Artefact	artefact(s) / findspot
816	E47/93	21502	53913	PH&M	Artefact	artefact(s) / findspot
818	E47/95	21539	53902	PH&M	Artefact	artefact(s) / findspot
819	E47/96	21487	54042	PH&M	Midden	midden(s)
820	E47/97	21480	53997	PH&M	Midden	midden and flaking area
821	E47/98	21490	54040	HIST	Transport	wharf / jetty / landing
822	E47/99	21487	54047	HIST	Transport	wharf / jetty / landing
823	E47/100	21482	53919	PH&M	Oven	oven(s) / hangi stones
824	E47/101	21478	53920	PH&M	Oven	oven(s) / hangi stones
825	E47/102	21476	53924	PH&M	Oven	oven(s) / midden(s)
826	E47/103	21478	53936	PH&M	Midden	midden(s)
827	E47/104	21476	53927	PH&M	Oven	oven(s) / hangi stones
828	E47/105	21438	53997	PH&M	Oven	oven(s) / midden(s)
829	E47/106	21501	53930	PH&M	Artefact	artefact(s) / findspot
832	E47/109	21462	54065	PH&M	Midden	oven(s) / midden(s)
833	E47/110	21464	54061	PH&M	Midden	oven(s) / midden(s)
834	E47/111	21485	54000	PH&M	Midden	midden(s)
835	E47/112	21502	53928	PH&M	Midden	midden and flaking area
836	E47/113	21443	53961	PH&M	Artefact	artefact(s) / findspot
839	E47/116	21505	53913	PH&M	Artefact	artefact(s) / findspot
840	E47/117	21466	54088	PH&M	Artefact	artefact(s) / findspot
841	E47/118	21504	53955	PH&M	Industrial	quarry
842	E47/119	21543	53909	PH&M	Midden	oven(s) / midden(s)
843	E47/120	21487	54007	PH&M	Industrial	flaking area
844	E47/121	21505	53957	PH&M	Industrial	flaking area
845	E47/122	21503	53955	PH&M	Artefact	artefact(s) / findspot
846	E47/123	21500	53960	PH&M	Industrial	flaking area
847	E47/124	21501	53957	PH&M	Industrial	flaking area
848	E47/125	21501	53958	PH&M	Industrial	flaking area
850	E47/127	21505	53960	PH&M	Industrial	quarry
851	E47/128	21526	54087	PH&M	Midden	midden(s)
852	E47/129	21621	53923	PH&M	Industrial	flaking area
853	E47/130	21491	53987	PH&M	Artefact	artefact(s) / findspot
854	E47/131	21482	53990	HIST	Agricultural	dwelling / house / homestead / hut
855	E47/132	21443	53962	PH&M	Artefact	artefact(s) / findspot
856	E47/133	21441	53973	PH&M	Artefact	artefact(s) / findspot
857	E47/134	21494	54003	PH&M	Industrial	midden and flaking area
859	E47/136	21463	53996	PH&M	General	historical Maori settlement or marae
864	E47/141	21482	54005	HIST	Transport	shipwreck
865	E47/142	21491	54041	HIST	Transport	shipwreck
866	E47/143	21464	54088	HIST	Industrial	flax mill
867	E47/144	21484	54006	HIST	Transport	shipwreck
868	E47/145	21479	54017	HIST	Transport	shipwreck
869	E47/146	21481	53996	HIST	Transport	bridge / ferry / ford
870	E47/147	21487	54046	HIST	Industrial	whaling station
871	E47/148	21481	53999	HIST	Admin/Commerc	hotel / tavern / accommodation house
872	E47/149	21544	53894	HIST	Industrial	whaling station

ID	Ref	EASTING	NORTHI	AR_CLASS	AR_CATEG	AR_TYPE
873	E47/150	21496	53939	PH&M	Midden	midden(s) with historical evidence
875	E48/1	21348	53612	PH&M	General	historical Maori settlement or marae
876	E48/2	21353	53610	HIST	Forestry	timber mill
877	E48/3	21378	53605	PH&M	Midden	oven(s) / midden(s)
878	E48/4	21391	53608	PH&M	General	historical Maori settlement or marae
879	E48/5	21449	53636	PH&M	Vegetn/Cultivn	traditional food collecting area
880	E48/6	21348	53635	PH&M	General	historical Maori settlement or marae
881	E48/7	21385	53567	PH&M	General	historical Maori settlement or marae
882	E48/8	21403	53570	HIST	Agricultural	dwelling / house / homestead / hut
883	E48/9	21330	53561	HIST	Forestry	timber mill
884	E48/10	21340	53561	HIST	Forestry	timber mill
887	E48/13	21358	53562	HIST	Forestry	timber mill
888	E48/14	21376	53558	HIST	Forestry	timber mill
890	E48/16	21385	53571	HIST	Forestry	timber mill
891	E48/17	21305	53552	HIST	Forestry	timber mill
895	E48/21	21322	53543	HIST	Agricultural	farm building
897	E48/23	21392	53507	PH&M	General	occupation / habitation (non-specific)
898	E48/24	21306	53661	PH&M	General	occupation / habitation (non-specific)
900	E48/26	21682	53754	PH&M	Oven	oven(s) / hangi stones
901	E48/27	21657	53736	PH&M	General	historical Maori settlement or marae
902	E48/28	21642	53726	PH&M	Oven	oven(s) / hangi stones
903	E48/29	21643	53717	PH&M	General	occupation / habitation (non-specific)
904	E48/30	21648	53715	PH&M	General	historical Maori settlement or marae
905	E48/31	21669	53708	PH&M	Midden	midden(s)
907	E48/33	21680	53713	HIST	Agricultural	dwelling / house / homestead / hut
908	E48/34	21691	53725	PH&M	Midden	oven(s) / midden(s)
912	E48/38	21404	53550	PH&M	Midden	midden or oven(s) or both with moa bone
913	E48/39	21423	53513	PH&M	Midden	midden(s)
914	E48/41	21396	53553	PH&M	Midden	midden and flaking area
915	E48/42	21404	53507	PH&M	Midden	midden(s)
919	E48/46	21371	53603	HIST	Transport	shipwreck
922	E48/51	21398	53563	PH&M	Midden	oven(s) / midden(s)
923	E48/52	21383	53593	PH&M	Midden	midden(s)
924	E48/53	21310	53565	HIST	Forestry	timber mill
925	E48/54	21300	53579	PH&M	Midden	midden(s)
927	E48/56	21324	53648	HIST	Agricultural	dwelling / house / homestead / hut
928	E48/70	21403	53526	PH&M	Artefact	artefact(s) / findspot
929	E49/1	21402	53324	PH&M	Midden	oven(s) / midden(s)
931	E49/4	21430	53369	PH&M	Midden	midden(s)
932	E49/5	21425	53389	PH&M	Cave	habitation cave or shelter without art
933	E49/6	21439	53367	PH&M	General	historical Maori settlement or marae
934	E49/7	21443	53367	HIST	General	settlement / town
935	E49/8	21424	53488	HIST	Industrial	whaling station
936	E49/9	21412	53352	HIST	Domestic	camp site
940	E49/13	21395	53497	HIST	Industrial	boat / ship yard
941	E49/14	21407	53333	PH&M	Oven	oven(s) / hangi stones
942	E49/15	21430	53388	PH&M	Midden	midden(s)
943	E49/16	21432	53393	PH&M	Cave	habitation cave or shelter without art
944	E49/17	21417	53361	PH&M	Midden	midden(s)
945	E49/18	21394	53497	PH&M	Artefact	artefact(s) / findspot
1016	F47/1	21881	53944	PH&M	Midden	midden(s)
1020	F47/6	21790	53954	PH&M	Oven	oven(s) / hangi stones
1021	F47/7	21849	53955	PH&M	Oven	oven(s) / hangi stones
1022	F47/8	21868	53952	PH&M	Oven	oven(s) / hangi stones
1023	F47/9	21772	53955	PH&M	Artefact	artefact(s) / findspot
1024	F47/10	21924	53863	PH&M	Midden	midden(s)
1025	F47/11	21904	53911	PH&M	Midden	oven(s) / midden(s)
1026	F47/12	22060	53873	PH&M	Midden	midden or oven(s) or both with moa bone
1028	F47/14	21903	53890	PH&M	Midden	midden(s)
1029	F47/15	21919	53862	PH&M	Midden	midden(s)
1030	F47/16	21930	53865	PH&M	Oven	oven(s) / hangi stones
1031	F47/17	21941	53868	PH&M	Artefact	artefact(s) / findspot
1034	F47/20	21945	53868	PH&M	Midden	oven(s) / midden(s)
1035	F47/21	21946	53868	PH&M	Midden	midden(s) with historical evidence
1036	F47/22	21952	53869	PH&M	Oven	oven(s) / hangi stones
1037	F47/23	21952	53869	PH&M	Oven	oven(s) / hangi stones

ID	Ref	EASTING	NORTH	AR_CLASS	AR_CATEG	AR_TYPE
1038	F47/24	21994	53870	HIST	Industrial	gold dredge
1039	F47/25	21981	53870	PH&M	Midden	midden(s)
1040	F47/26	21959	53870	PH&M	Midden	oven(s) / midden(s)
1042	F47/28	22019	53858	PH&M	Midden	oven(s) / midden(s)
1043	F47/29	22056	53866	PH&M	Midden	midden(s)
1044	F47/30	22064	53874	PH&M	Midden	midden(s)
1045	F47/31	22080	53862	PH&M	Midden	oven(s) / midden(s)
1046	F47/32	22066	53868	PH&M	Midden	oven(s) / midden(s)
1047	F47/33	22080	53863	PH&M	Midden	midden or oven(s) or both with moa bone
1050	F47/36	21904	53911	PH&M	Midden	oven(s) / midden(s)
1051	F47/37	22046	53855	PH&M	Oven	oven(s) / hangi stones
1052	F47/38	21936	53866	PH&M	Midden	midden(s)
1053	F47/39	21879	53948	PH&M	Artefact	artefact(s) / findspot
1054	F47/40	21874	53955	PH&M	Artefact	artefact(s) / findspot
1056	F47/42	21918	53867	PH&M	Midden	oven(s) / midden(s)
1059	F47/46	21879	53948	PH&M	Artefact	artefact(s) / findspot
1060	F47/47	21879	53950	PH&M	Midden	oven(s) / midden(s)
1061	F47/48	21885	53936	PH&M	Midden	oven(s) / midden(s)
1062	F47/49	21905	53916	PH&M	Oven	oven(s) / hangi stones
1063	F47/50	22059	53871	PH&M	Midden	midden(s)
1064	F47/51	21905	53916	PH&M	Midden	oven(s) / midden(s)
1065	F47/52	21904	53920	PH&M	Midden	oven(s) / midden(s)
1066	F47/53	21903	53910	PH&M	Midden	oven(s) / midden(s)
1067	F47/54	21905	53885	PH&M	Midden	oven(s) / midden(s)
1068	F47/55	21916	53873	PH&M	Midden	oven(s) / midden(s)
1070	F47/58	21878	53947	HIST	Industrial	whaling station
1071	F47/59	21905	53912	HIST	Industrial	whaling station
1085	G47/7	22114	53870	PH&M	Midden	oven(s) / midden(s)
1086	G47/8	22143	53892	PH&M	Midden	oven(s) / midden(s)
1087	G47/9	22136	53896	PH&M	Midden	oven(s) / midden(s)
1088	G47/10	22137	53900	PH&M	Midden	midden(s)
1089	G47/11	22134	53917	PH&M	Midden	midden(s)
1090	G47/12	22132	53925	PH&M	Midden	midden(s)
1091	G47/13	22138	53900	HIST	Transport	bridge / ferry / ford
1093	G47/15	22134	53920	HIST	Transport	bridge / ferry / ford
1094	G47/16	22143	53889	HIST	Industrial	whaling station
1095	G47/17	22152	53890	PH&M	Artefact	artefact(s) / findspot
1096	G47/18	22152	53892	PH&M	Artefact	artefact(s) / findspot
1097	G47/19	22153	53889	PH&M	Midden	midden or oven(s) or both with moa bone
1099	G47/21	22135	53892	HIST	Transport	shipwreck
1100	G47/22	22151	53896	PH&M	Midden	midden(s)
1101	G47/23	22152	53889	PH&M	Midden	oven(s) / midden(s)
1102	G47/24	22149	53888	PH&M	Midden	oven(s) / midden(s)
1103	G47/25	22148	53888	PH&M	Midden	midden(s)
1104	G47/26	22146	53888	PH&M	Midden	oven(s) / midden(s)
1105	G47/27	22155	53904	PH&M	Midden	midden(s)
1106	G47/28	22152	53919	PH&M	Midden	midden(s)
1107	G47/29	22152	53922	PH&M	Midden	midden(s)
1108	G47/30	22153	53923	PH&M	Midden	midden(s)
1109	G47/31	22152	53929	HIST	Transport	bridge / ferry / ford
1110	G47/32	22150	53924	PH&M	Midden	midden(s)
1111	G47/33	22141	53927	PH&M	Midden	midden(s)
1112	G47/34	22141	53928	PH&M	Midden	midden(s)
1113	G47/35	22141	53929	PH&M	Midden	midden(s)
1114	G47/36	22137	53933	PH&M	Midden	midden(s)
1115	G47/37	22115	53875	PH&M	Midden	oven(s) / midden(s)
1116	G47/49	22151	53891	PH&M	Midden	midden(s)
1117	G47/98	22111	53870	PH&M	Oven	oven(s) / hangi stones
1118	G47/99	22115	53874	PH&M	Oven	oven(s) / midden(s)
1119	G47/100	22133	53895	PH&M	Oven	oven(s) / hangi stones
1120	G47/101	22137	53898	PH&M	Artefact	artefact(s) / findspot
1121	G47/102	22141	53917	PH&M	Midden	midden(s)
1122	G47/103	22139	53915	PH&M	Midden	oven(s) / midden(s)
1123	G47/104	22134	53929	PH&M	Midden	oven(s) / midden(s)
1124	G47/106	22151	53902	PH&M	Midden	midden(s)
1125	G47/107	22136	53938	PH&M	Midden	midden(s)

APPENDIX 9

AREAS WHERE EXISTING AIR QUALITY IS TO BE PROTECTED

National Parks established under the National Parks Act 1980

Lands on Stewart Island that are reserves under the Reserves Act 1977 and stewardship lands pursuant to the Conservation Act 1987

Takitimu stewardship land area (Sections 1 and 2 on SO 12055)

Longwoods stewardship land area (Sections 1 to 6 on SO 12055)

Waituna Wetlands Scientific Reserve made up of:

- Lot 1 DP 11242 Block X Campbelltown Hd
- Sections 9, 11 to 25, SO 2066 Block XV Campbelltown Hd
- Sections 29 SO 10326 Block XIII Oteramika Hd
- Sections 23, 27 SO 7651 Block XIV Oteramika Hd

Part Dean Forest Conservation Area consisting of:

- Diggers Ridge Ecological Areas SO 10044 I, III, V, VI, VIII, IX, X, XI Monowai SD
- Lillburn Ecological areas SO 10045 Blocks III, VIII, XI, XII, Hauroko SD

Part Rowallan Forest Conservation Area consisting of:

- Waikoau Ecological Area SO 10045 Blocks X, XI, XIV, XV, XVI, Hauroko SD

Lindsay Ecological Area, Pt Sections 5, 6, 8 Block IV Lillburn SD

APPENDIX 10

Assessment Of Contaminants In Sediments

The following table seeks to quantify “acceptable” levels of contaminants in sediment, above which adverse ecological effects are possible. In the absence of physical environmental effects, these levels will be used in assessing Standard 2 of the classification for People and Aquatic Life water. That standard reads:

“any pH change and/or any discharge of a contaminant into water or onto the seabed shall not result in a loss of biological diversity of a change in community composition.”

The table is from the draft national guidelines for sediment quality (ANZECC 1999).

The levels referred to in the table represent guidelines, based on overseas biological effects data due to the lack of local data. Values are expressed as concentrations on a dry weight basis. For organics, values are normalised to 1% organic carbon, rather than expressing as mg/kg organic carbon as is sometimes done. This requires that if the sediment organic carbon content is markedly higher than 1%, the guideline value should be adjusted accordingly.

The table allows definition of three levels of ecological impact from sediment-associated toxicants:

- if the lower sediment quality guideline (ISQG-Low) for a particular contaminant is not exceeded, the chemical is unlikely to cause any biological impact on organisms inhabiting that sediment;
- if the upper sediment quality guideline (ISQG-High) is exceeded then it is highly likely that the chemical will have a biological impact (the upper value is included mainly to provide managers with indicative values for highly contaminated sediments).
- chemical concentrations that fall between the two levels may be toxic and further investigation is recommended to determine whether they pose a threat.

Contaminant	ISQG-Low	ISQG-High
METALS (mg/kg dry wt.)		
Antimony	2	25
Cadmium	1.5	10
Chromium	80	370
Copper	65	270
Lead	50	220
Mercury	0.15	1
Nickel	21	52*
Silver	1.0	3.7
Zinc	200	410
METALLOIDS (mg/kg dry wt.)		
Arsenic	20	70
ORGANOMETALLICS		
Tributyltin (?gSn/kg dry wt.)	5	70
ORGANICS (?g/kg dry wt.)^b		
Acenaphthene	16	500
Acenaphthalene	44	640
Anthracene	85	1100
Fluorene	19	540

Contaminant	ISQG-Low	ISQG-High
Naphthalene	160	2100
Phenanthrene	240	1500
Low Molecular Weight PAHs	552	3160
Benzo(a)anthracene	261	1600
Benzo(a)pyrene	430	1600
Dibenzo(a,h)anthracene	63	260
Chrysene	384	2800
Fluoranthene	600	5100
Pyrene	665	2600
High Molecular Weight PAHs	1700	9600
Total PAHs	4000	45000
Total DDT	1.6	46
p,p'-DDE	2.2	27
o,p'- + p,p'-DDD	2	20
Chlordane	0.5	6
Dieldrin	0.02	8
Endrin	0.02	8
Lindane	0.32	1.0
Total PCBs	23	–

- a Primarily adapted from Long et al (1995);
b Normalised to 1% organic carbon