

CHAPTER 21: EFFECTS OF DISTURBANCE, STRUCTURES AND OCCUPATION ON COASTAL MARINE CONSERVATION, HERITAGE, ACCESS AND AMENITY VALUES

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21.0 INTRODUCTION

This chapter deals with the effects of use and development on natural resources, conservation of natural resources, features, processes, ecosystems, and heritage, access and amenity values in the coastal marine area. It does not deal with these matters on dry land in the coastal environment, despite the fact that many of these issues cross the boundary between land and sea. Issues relating to the effects of subdivision, use and development of coastal land are addressed in chapters 5, 6, 8, 9 and 10.

The coastal marine area is used for a variety of activities, many of which are temporary, such as the passage of craft, or have no environmental effects. Physical modifications to the foreshore or seabed, such as reclamations, deposition or removal of material, passage of vehicles or animals, or other disturbance, and structures, or other occupation of coastal marine space may have a number of adverse effects on the coastal environment. These potential effects include:

- (a) changes to the natural functioning of marine ecosystems and resulting effects on marine plants and animal life and their habitats through physical disturbance or contamination;
- (b) changes to natural coastal processes such as sediment movement or water flow, with modifications to the composition of the foreshore or seabed or location of the shoreline;
- (c) limiting of public access to or along the coast with private occupation of coastal marine space, chiefly by structures, and with associated navigation hazard;
- (d) visual impact of physical modifications;
- (e) demand for the use of coastal land in association with the use of adjacent coastal marine space, such as buildings, parking areas or roads.

The Resource Management Act and the New Zealand Coastal Policy Statement require the natural character of the coastal environment to be preserved, while allowing appropriate use and development. Natural character may include a naturalness or unmodified form for coastal marine space, processes, materials, habitats and ecosystems. Some areas are extensively and significantly modified, and others less so. Permanent structures or other physical modifications such as land disturbance may alter the natural

character either within the coastal marine area or on coastal land. The use of adjacent coastal land may affect the natural character of the coastal marine area, particularly through access to the foreshore or sea.

The Resource Management Act and the New Zealand Coastal Policy Statement also require the protection of outstanding natural features and landscapes from inappropriate subdivision, use or development. The dominant landscape of the coastal marine area is surface seascape (the expanses of coastal water) together with the shoreline of beaches, tidal flats or cliffs. The underwater seascape is also important. The naturalness of the seascape is a significant element of landscape value in the coastal marine area. This includes the general absence of structures or the presence only of those that are visually unobtrusive or otherwise appropriate in a coastal setting.

The coastal marine ecosystems, as with terrestrial and freshwater ecosystems, are required by the Resource Management Act to be safeguarded in relation to their life-support capacity or healthy functioning, and in particular, significant habitats of coastal marine animal life are to be protected. This means all coastal marine habitats need protection from damage unless natural processes modify habitats (for example, changes to sandy shorelines as a result of storm events). Threats to ecosystems arise from land-based activities such as sedimentation from land disturbances, contaminant discharges from point source or diffuse sources, and from disturbances or contamination in the coastal marine area itself, such as the infilling of estuary margins, bottom dredging as a fishing practice, sewage discharges, discharges from vessels, the placement of structures, or the passage of vehicles, vessels, people or animals in foreshore areas. Part II of the Plan addresses land disturbances on coastal land, and Part VI addresses land-based and coastal marine discharges. Invasive plants such as *Spartina* may also threaten foreshore habitats.

There is a large number of areas within the coastal marine area that are recognised as having nationally or internationally important natural ecosystem values. These areas are identified in a schedule to Chapter 25 of the Plan. They include most estuaries and inlets, and tidal flats, sandspits and stretches of coastline adjoining coastal land of significant natural character. Disturbances, structures and contamination are particular concerns in these areas.

There are limitations on the scope of the Plan to address adverse effects on habitats and on marine organisms from lawful harvesting of fisheries resources by the disturbance of foreshore or seabed. The Plan also cannot control enhancement or harvesting activities that involve structures, occupation or disturbance, if the purpose of the control is to manage any fisheries resource or if the control (except control over structures) results in the allocation of access to a fisheries resource between fishing sectors. “Fisheries resources” include any marine organism. These effects on habitats or marine organisms, or controls on fisheries resources, should be addressed by the Director-General of Fisheries under the Fisheries Act 1996, through fishing permits and regulations. An indirect means of protecting fisheries resources results from the creation of marine reserves where the taking of fish is prevented for purposes of scientific study of marine resources. Marine reserves in the region at 1998 are the Tonga Marine Reserve adjoining Abel Tasman National Park, and Te Tai Tapu Marine Reserve in the southern part of Whanganui Inlet.

Natural coastal processes such as shoreline change through erosion, accretion or potential sea-level rise, or freshwater and sediment movement into and along the coast, or storm flooding or inundation by the sea, contribute to the natural character and the form and changes in coastal marine habitats. Structures or physical modification to the foreshore or seabed for a variety of purposes may disrupt the natural functioning of these processes, and there is a requirement under the Act and the New Zealand Coastal Policy Statement to restrain such effects, so as to let processes run their course. However, intervention in processes may be sought where community assets or physical resources in or adjoining the coastal marine area (such as roads or other infrastructure) may be otherwise adversely affected.

The coastal marine area is public domain, and the Act and the New Zealand Coastal Policy Statement require the maintenance and enhancement of public access to and along the coastal marine area. Some structures and works facilitate access, but others impede it. Public access, including the use of craft, may result in an intensity of use of the coastal marine area that has adverse effects on navigational safety or on natural values. For example, congestion of craft occurs along parts of the Abel Tasman National Park coastline, where safety issues are compounded by the mix of craft types – particularly by their different operating speeds and degrees of visibility.

The coast is a finite resource and the New Zealand Coastal Policy Statement 2010 recognises and promotes the efficient use of the coastal environment. Consolidating activities into areas, encouraging multiple and public structures and requiring developments to occur without lengthy delays are some ways in which efficient use can be made of the coastal environment. The removal of abandoned or redundant structures also frees up the coast for other users and reduces environmental and aesthetic impacts.

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The Plan identifies specific locations within the planning maps as Mooring Areas. These areas have been assessed and identified as appropriate locations for the mooring of private and commercial craft. Within the Mooring Areas, mooring is permitted subject to the mooring owner holding a Mooring Licence issued by the Harbourmaster under a separate moorings bylaw. In the first instance, Mooring Licences will be allocated to mooring owners who hold a resource consent for mooring within the Mooring Area, then to applicants for public moorings and then on a first-come, first-served basis. Once Mooring Areas become full, Council will allocate mooring space to those listed on a waiting list for the Mooring Area. In Kaiteriteri, allocation of space within one Mooring Area is restricted for public moorings and the allocation of space within the second Mooring Area is restricted to commercial operators and existing mooring owners.

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The coastal marine area contains sites and areas of natural and cultural heritage value, particularly areas of traditional Māori association. Few items of historical heritage value exist in the coastal marine area, and without some economic use these are likely to continue to deteriorate because of the nature of the marine environment. The Act places significance on the protection of heritage values generally. Natural habitats and seascapes can be regarded as natural heritage resources and require protection on this basis also. Places or areas of heritage value to Māori include traditional seafood collecting areas (mahinga mātaītai), fishing grounds, places of spiritual significance (wāhi tapu) and landing sites (tauranga waka). The coastal marine area itself may be regarded by Māori as a valued resource or taonga. Tangata whenua may oppose the use or development of these areas. An example is the threat to tangata whenua interests of aquaculture in the vicinity of ancestral land and kai moana at Pariwhakaoho. Tangata whenua may seek recognition of entitlements referred to by the Treaty of Waitangi. Tangata whenua interests in the heritage values of the coastal marine area may span across traditional and commercial concerns, but all of which may be equally regarded as taonga. There are a number of processes under fisheries and other legislation in addition to the Act that are relevant to such values or interests. For example, threats to kai moana from other fishing activities are managed under the Fisheries Act and cannot be addressed in this Plan. The Fisheries Act also includes provisions for tangata whenua to manage important traditional fisheries through the establishment of mahinga mātaītai and taiapure.

Amenity values in the coastal marine area are largely supported by its natural character and landscape value. Continuing or current activities may affect the amenity of the area, particularly where there is permanent change. However, amenity may be enhanced by provision of structures such as ramps, berthage or moorings that enable use and enjoyment of the sea. Again, the amenity value of the coast may be affected by changes on adjacent coastal land, particularly at areas of intensive development.

21.1 PRESERVATION OF NATURAL CHARACTER

21.1.1 Issue

Use or development in the coastal marine area, including structures, occupation and disturbance may adversely affect the natural character of the coastal environment. The appropriate form, scale or location of such use or development that preserves natural character is to be determined.

21.1.2 Objective

Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all values that contribute to natural character, and its protection from the adverse effects of use or development.

21.1.3 Policies

Refer to Rule sections 25.1 – 25.5, 36.2, 36.6, 36.7.

- 21.1.3.1** To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:
- physical modification to foreshore or seabed, including reclamation, dredging, removal or deposition of material, or other disturbance;
 - disturbance of plants, animals, or their habitats;
 - structures, including impediments to natural coastal processes;
 - the use of vessels or vehicles;
 - stock grazing or trampling on coastal margins;
 - the discharge of any contaminant or waste.
- 21.1.3.2** To avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes in the coastal marine area, including natural expanses of coastal water, arising from modification other than through natural processes.
- 21.1.3.3** To restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.
- 21.1.3.4** To avoid, remedy, or mitigate damage to foreshore, seabed and coastal marine animals and plants, caused by the passage of people, vehicles, vessels, or passage or grazing by stock.
- 21.1.3.5** To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting natural character, except where removal would have an adverse effects on the environment or where the structure has heritage or cultural values. C72 6/20
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- 21.1.3.6** To minimise the adverse effects of moorings on natural character by identifying appropriate areas for mooring and encouraging mooring within those areas.

21.1.20 Methods of Implementation

21.1.20.1 Regulatory

- Rules that control disturbance, including reclamation, deposition, or excavation or removal of material, or structures or other works or activities having adverse effects on:
 - the foreshore or seabed;
 - the natural movement of water, sediment, biota or air; or
 - natural ecosystems.
- Rules that control the effect of structures in areas with significant natural ecosystem values, including estuaries, sand beaches, and areas adjacent to coastal land with significant natural ecosystem values, and which include prohibiting some classes of structures if their adverse effects on those values cannot otherwise be avoided, remedied or mitigated.
- Rules that control the effects of coastal discharges on natural habitats, plants and animals.
- Rules that provide for the removal of unauthorised, abandoned or redundant structures. C72 6/20
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- Rules that encourage the establishment of moorings within Mooring Areas.

21.1.20.2 Investigations and Monitoring

- (a) Identification of elements of natural character in the coastal marine area, to be applied in the consideration of consent applications.
- (b) Programme of investigations to establish baseline information about coastal marine process, ecosystems and habitats in the District.
- (c) Programme of monitoring coastal marine processes, habitats and ecosystems, and changes to the natural character of the coastal marine area resulting from disturbances, structures, or other uses.

21.1.20.3 Education and Advocacy

- (a) Support for initiatives of other organisations to protect natural and physical resource values that contribute to the natural character of the coastal marine area.

21.1.30 Principal Reasons and Explanation

Physical modification to the coastal marine area by disturbances, structures, reclamation or other works can adversely affect the natural character of the coastal marine area and adjoining coastal land. The functioning of natural coastal processes and areas of natural value, including natural habitats of plants and animals, may be adversely affected. The Act and the New Zealand Coastal Policy Statement require the preservation of the natural character of the coastal environment, including the coastal marine area, as a matter of national importance. They also require the healthy functioning of coastal marine ecosystems. It is necessary to control the location, scale or form of such activities to ensure that they are appropriate uses of the coastal marine area. Stock may damage or alter the plant and animal communities that contribute to the natural character of coastal margins, especially the margins of estuaries.

21.1.40 Performance Monitoring Indicators

- 21.1.40.1** Extent of disturbance, occupation or structures in the coastal marine area, particularly in those areas with significant natural character.
- 21.1.40.2** The form and degree of effects on plant and animal species and their habitats; on natural coastal processes and landforms, and on natural character in general.

21.2 PROTECTION OF HABITATS AND ECOSYSTEMS**21.2.1 Issue**

The protection of coastal marine habitats and ecosystems from the damaging effects of disturbances, discharges, structures, or the introduction of animals or plants, or passage of vessels, vehicles, people or animals.

21.2.2 Objective

Avoidance, remediation, or mitigation of adverse effects on marine habitats and ecosystems caused by:

- (a) access by vessels, vehicles, people, or animals;
- (b) the introduction of species non-indigenous to the District;

- (c) disturbance of the foreshore or seabed;
 - (d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;
 - (e) the disposal of contaminants or waste, or accidental spillage of substances;
- with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.

21.2.3 Policies

Refer to Rule sections 25.1 – 25.5.

- 21.2.3.1** To assess existing unauthorised structures or works in the coastal marine area and either require their authorisation or removal after considering the significance of the effects of such structures or works on:
- (a) natural character;
 - (b) natural coastal processes and patterns;
 - (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;
 - (d) public access to coastal marine space;
 - (e) visual amenity and landscapes or seascapes;
 - (f) navigational safety;
 - (g) historic and cultural values.
- 21.2.3.2** To allow navigational aids necessary for the efficient achievement of safe navigation throughout the coastal marine area, and to protect them from adverse effects of other activities.
- 21.2.3.3** To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:
- (a) natural character;
 - (b) natural coastal processes and patterns;
 - (c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;
 - (d) public access to coastal marine space;
 - (e) visual amenity and landscapes or seascapes;
 - (f) navigational safety;
 - (g) historic and cultural values.
- 21.2.3.4** To require that utility structures or facilities in the coastal marine area are proposed only after a comparative evaluation is undertaken of the effects of alternative sites or routes for such utilities, including on land not in the coastal marine area.
- 21.2.3.5** To avoid, remedy or mitigate adverse effects from the maintenance, replacement or protection of utility structures or facilities, including roading structures, wharves, or jetties, in the coastal marine area.

- 21.2.3.6** To remove or require the removal of unauthorised, abandoned or redundant structures affecting marine habitat or ecosystems except where removal would have adverse effects on the environment or where the structure has heritage or cultural values. **C72 6/20
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- 21.2.3.7** To prevent authorisation for any structure or work in the coastal marine area for or in conjunction with the harvesting or enhancement of any plant or animal, from being implemented, unless and until the fisheries purpose for which such structure or work is required has been authorised under the relevant Fisheries Act.
- 21.2.3.8** To avoid, remedy or mitigate adverse effects of beach grooming or replenishment, particularly on public access, amenity values, coastal processes, ecosystems, habitats and lawful structures.
- 21.2.3.9** To enable the excavation or removal of foreshore or seabed material for marine mammal rescue or burial.
- 21.2.3.10** To allow the use of the foreshore where there are no adverse effects on:
- (a) public access and safety;
 - (b) amenity values;
 - (c) plants, animals or habitats;
 - (d) natural features and processes;
 - (e) existing authorised structures.
- 21.2.3.11** To allow temporary exclusion of the public from specified parts of the coastal marine area for military training activities, subject to any other adverse effect of the activities being avoided, remedied or mitigated.
- 21.2.3.12** To prevent structures or works on the foreshore and intertidal flats within and adjacent to the Farewell Spit Nature Reserve, except in relation to marine mammal rescue or burial.
- 21.2.3.13** To avoid adverse effects on, and support the protection of, the bryozoan coral beds adjacent to Separation Point/Te Matau.
- 21.2.3.14** To avoid, remedy or mitigate adverse effects of structures (including moorings) in the coastal marine area between Tata Islands and Toko Ngawa Point.
- 21.2.3.15** To retain the open space of Kaiteriteri Bay without further structures other than the existing boat ramp, swimming platform and moorings within the Mooring Areas. **C72 6/20
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- 21.2.3.16** To confine port activities and facilities to existing port locations, unless sites with less adverse environmental effects from such activities can be demonstrated.
- 21.2.3.17** To promote measures to re-establish natural coastal conditions or processes.

- 21.2.3.18** To limit the number, location, and scale of structures in the coastal marine area adjoining the Abel Tasman National Park in accordance with the following:
- (a) one public mooring at each of Tata Islands, Mutton Cove, and Taupo Point;
- [Policy 21.2.3.18 (b) & (c) is deleted]*
- (d) structures listed in Schedule 25A;
- (e) moorings in association with an interest in a land title at Boundary Bay, Torrent Bay/Rākauroa, or Astrolabe Roadstead, and only to the extent that the cumulative effect of moorings at each location is not adverse nor affects marine habitats or ecosystems;
- (f) swing moorings at The Ancho.3.1rage are limited to one for each private property at The Anchorage (as at 25 May 1996), plus one other existing mooring;
- (g) structures or moorings will not be allowed adjacent to Adele/Motuaronui or Fisherman’s island.
- 21.2.3.19** To enable instruments and materials to be deployed in the coastal marine area for scientific investigations, subject to any adverse effects being avoided, remedied or mitigated.
- 21.2.3.20** To regard reclamation as generally inappropriate, and ensure that any reclamation:
- (a) is for a purpose that functionally must be located on the coast and in the coastal marine area;
- (b) is of the minimum practical extent for the proposed purpose and adequate management of any adverse effects arising from that purpose, and for any area needed for public access;
- (c) avoids locating in areas with nationally or internationally important natural ecosystem value, unless there is no feasible alternative location for the activity for which reclamation is sought.
- 21.2.3.21** To restrict structures and disturbance such as port developments, jetties, moorings or aquaculture from locating in areas where they would adversely affect nationally or internationally significant natural ecosystem values or significant habitats such as estuaries and intertidal areas.
- 21.2.3.22** To protect the margins of the coastal marine area from damage by stock.
- 21.2.3.23** To provide for consistent protection for coastal habitats and ecosystems across the line of mean high water springs, where the natural habitat of species crosses this line.
- 21.2.3.24** To eradicate invasive non-indigenous species where practicable and protect coastal marine habitats and ecosystems from invasion by non-indigenous species.
- 21.2.3.25** To encourage the re-establishment of species indigenous to the coastal marine area.
- 21.2.3.26** To avoid, remedy or mitigate adverse effects of vehicles in estuarine areas.

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21.2.20 Methods of Implementation

21.2.20.1 Regulatory

- (a) Rules that control disturbances, structures or other works that interfere with or limit the movement of coastal water or that involve the excavation or removal of material.
- (b) Rules that limit the number, location, and scale of structures in the coastal marine area adjoining the Abel Tasman National Park in accordance with the following:
 - (i) one public mooring at each of the Tata Islands, Mutton Cove, and Taupo Point;

[Method 21.2.20.1(b)(ii) is deleted.]

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[Method 21.2.20.1(b)(iii) is deleted.]

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- (iv) structures listed in Schedule 25A;

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- (v) moorings will be allowed only in association with an interest in a land title at Boundary Bay, Torrent Bay/Rākauroa, The Anchorage or Astrolabe Roadstead, and only to the extent that the cumulative effect of moorings at each location is not adverse nor affects marine habitats or ecosystems;

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- (vi) structures or moorings will not be allowed adjacent to Adele/Motuareronui or Fisherman's island.
- (c) Rules that control the dredging of foreshore or seabed.
- (d) Rules that control specified ramps, moorings, jetties, or boatsheds, or the maintenance or repair of specified wharves, breakwaters or coastal protection works, where these are existing, unauthorised works, or new works.
- (e) Rules that control the occupation of space and use and maintenance of network utility structures.
- (f) Rules that control or prohibit the placement of structures for aquaculture purposes.
- (g) Rules that allow the installation and use of navigational aids.
- (h) Rules that regulate or prohibit the use of jetties, moorings or boatsheds along specified reaches of the Abel Tasman coastline, and prohibit boatsheds anywhere for accommodation purposes.
- (i) Rules that manage adverse effects from the maintenance, repair, reconstruction or replacement of roads, bridges, culverts and causeways.
- (j) Enforcement of rules in relation to all unauthorised existing structures or works in the coastal marine area.
- (k) Rules that regulate adverse effects on coastal marine plants, animals, habitats and ecosystems, from activities involving disturbance, discharge and deposition, including:

- (i) the passage of craft, vehicles, people or animals;
- (ii) construction and maintenance of network utilities;
- (iii) aquaculture structures;
- (iv) disturbances or structures interfering with the movement of coastal waters, or involving excavation or removal of material;
- (v) the discharge, dumping or spillage of contaminants or waste.

21.2.20.2 Investigations and Monitoring

- (a) Assessment of all existing structures in the coastal marine area and establishment of their authorisation or other status.
- (b) Recording of all new coastal structures for notification to the New Zealand Hydrographic Authority, Land Information New Zealand.
- (c) Programme for monitoring the effects of activities such as disturbances, structures and discharges on coastal marine habitats and ecosystems.
- (d) Investigation of the closure on any unformed legal roads currently located in the coastal marine area and consultation with affected landowners and other parties.

21.2.20.3 Education and Advocacy

- (a) Advocacy for the maintenance of restrictions on fishing methods over bryozoan beds adjacent to Separation Point/Te Matau.
- (b) Programme of advice and information on appropriate recreational and boating practices in relation to the protection of coastal marine habitats and plants and animals.
- (c) A programme of education and advice to promote public understanding of the values and sensitivity of estuarine environments, in particular identifying activities that are likely to compromise those values.

21.2.20.4 Works and Services

- (a) Removal of causeways, tidebanks, culverts or other structures within or adjacent to the coastal marine area to restore natural coastal conditions, processes or ecosystems.
- (b) Programme of chemical control for *Spartina* under the Regional Pest Management Strategy.

21.2.30 Principal Reasons and Explanation

Disturbances, structures, works or occupation of the coastal marine area for these or other activities can have a range of adverse effects, including effects on natural habitats and marine life, coastal marine ecosystems, natural coastal processes, public access, visual effects, and other effects, such as adverse effects on amenity or cultural values of sectors of the community. The Act and the New Zealand Coastal Policy Statement require such adverse effects to be avoided, remedied or mitigated. Regulating these activities because of their adverse effects is necessary and appropriate.

Some activities may require restrictions on public access for public safety and security reasons, including defence purposes.

21.2.40 Performance Monitoring Indicators

21.2.40.1 Extent of disturbance, occupation or structures in the coastal marine area, including:

- (a) the extent to which public access is diminished by structures or private occupation, or navigation impeded;

- (b) the extent to which the open space and natural character of the coastal marine area are diminished by structures or works;
- (c) the extent to which physical and biological processes are disrupted.

21.2.40.2 Surveyed condition of coastal marine ecosystems affected by any disturbance, structure, occupation or discharge.

21.3 PROTECTION OF LANDSCAPES, SEASCAPES AND NATURAL FEATURES

21.3.1 Issue

The appropriate form, scale or location of use or development in the coastal marine area that protects landscapes, including surface and underwater seascapes and natural features.

21.3.2 Objective

Maintenance of the natural character and landscape of the coastal marine area.

21.3.3 Policies

Refer to Rule sections 25.1 – 25.5.

21.3.3.1 To allow Mooring Areas and structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification.

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21.3.3.2 To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting natural features or landscape, except where removal would have adverse effects on the environment or where the structure has heritage or cultural values.

21.3.20 Methods of Implementation

21.3.20.1 Regulatory

- (a) Rules that avoid, remedy or mitigate adverse effects of disturbance, structures or works on landscape values in the coastal marine area.
- (b) Rules that enable the removal of unauthorised, abandoned or redundant structures adversely affecting natural feature or landscape.

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21.3.20.2 Investigations and Monitoring

- (a) Identification of areas where open space values are to be protected.

21.3.30 Principal Reasons and Explanation

Many coastal landscapes and seascapes in the Tasman coastal marine area are of outstanding value, and most have significance for the District. The protection of the natural components of such landscapes from the adverse effects of structures or physical modification is an important aspect to preserving the natural character of the coastal marine area, and of maintaining its amenity value.

21.3.40 Performance Monitoring Indicators

21.3.40.1 Assessed changes to landscape and seascape values in the coastal marine area arising from disturbance, structures or occupation.

21.4 PROTECTION OF NATURAL COASTAL PROCESSES

21.4.1 Issue

Modification or interference with natural coastal processes by disturbance or structures.

21.4.2 Objective

Maintenance of natural coastal processes free from disturbance or impediments.

21.4.3 Policies

*Refer to Rule sections 16.3, 25.1 – 25.5.
Refer to Policy sets 13.1.3, 23.1.3.*

- 21.4.3.1 To avoid impediments to natural coastal processes except where a community need (such as the need to protect a physical resource of significance to the community) outweighs adverse effects on the natural environment.
- 21.4.3.2 To avoid, remedy or mitigate adverse effects of increases in intensity and value of development on coastal land, where the land is at risk from natural coastal processes.
- 21.4.3.3 To require the likely effects of disturbance, including excavation, deposition or removal of material, or structures, on natural coastal processes, to be avoided or mitigated.
- 21.4.3.4 To investigate and monitor current natural coastal processes.

21.4.20 Methods of Implementation

21.4.20.1 Regulatory

- (a) Rules that regulate the effects of disturbance or structures on natural coastal processes.
- (b) Rules that allow the maintenance and repair of certain existing structures that are coastal erosion or flooding protection works.
- (c) Enforcement of rules and the Act in relation to unauthorised coastal protection works.

21.4.20.2 Investigations and Monitoring

- (a) Programme of investigations and monitoring current natural coastal processes.

21.4.20.3 Advocacy and Education

- (a) The provision of information and advice about appropriate land use to limit or reduce the degree of risk from natural coastal processes.

21.4.30 Principal Reasons and Explanation

Natural coastal processes such as shoreline change or flooding from the sea are a feature of the coast's natural character, and structures or works may impede or be adversely affected by such processes. The presumption under the Act and the New Zealand Coastal Policy Statement is the maintenance of these processes. It is necessary to control structures or other works to allow processes to run their course.

21.4.40 Performance Monitoring Indicators

- 21.4.40.1 Establishment or removal of coastal protection structures or other coastal structures impeding natural coastal processes.

21.5 PROTECTION OF CULTURAL HERITAGE VALUES

21.5.1 Issue

Allowing for appropriate use and development in the coastal marine area while protecting the cultural heritage values of the coastal marine area, including tangata whenua interests in areas or taonga.

21.5.2 Objective

Maintenance of the cultural heritage values of items, sites or areas in the coastal marine area, including taonga of the tangata whenua.

21.5.3 Policies

- 21.5.3.1 To avoid damage or offence to traditional cultural values held by iwi over the coast in the vicinity of Pariwhakaoho as a result of structures, occupation, disturbance, or discharges.
- 21.5.3.2 To consult with tangata whenua over commercial activities (other than fishing) in the coastal marine area in the vicinity of Pariwhakaoho.
- 21.5.3.3 To ensure that no historical heritage item in the coastal marine area is a danger to navigation.

21.5.20 Methods of Implementation

21.5.20.1 Regulatory

- (a) Rules that prohibit structures or occupation for aquaculture purposes, or control other structures, disturbance or discharges, in the vicinity of the Pariwhakaoho area.

21.5.20.2 Education and Advocacy

- (a) Advise the New Zealand Hydrographic Authority, Land Information New Zealand of any heritage resource which may be a danger to navigation.

21.5.20.3 Works and Services

- (a) Make safe and, or, mark, any heritage resource which may be a danger to navigation.
- (b) Assemble and disseminate information about heritage resources in the coastal marine area.
- (c) Record, mark the location of, or install interpretive information at or near the site of, any heritage item in the coastal marine area.

21.5.30 Principal Reasons and Explanation

Cultural heritage values of historic, archaeological or other sites, particularly those of significance to the tangata whenua, are a key feature of the coast's natural character and of the traditional relationship of Māori with the coast. It is necessary to protect particular areas of demonstrated significance and to account for Treaty-based interests in coastal space.

21.5.40 Performance Monitoring Indicators

- 21.5.40.1** Satisfaction of the tangata whenua in relation to the protection of space at Pariwhakaoho and the management of coastal marine taonga.
- 21.5.40.2** Incidence of damage or destruction of any historical or cultural heritage item, site or area in the coastal marine area.

21.6 EFFECTS OF PUBLIC ACCESS**21.6.1 Issue**

Public access to the coastal marine area may be restricted by private occupation, and public or private access may adversely affect natural character, ecosystems, heritage and amenity values.

21.6.2 Objective

Maintenance and enhancement of public access in the coastal marine area, including public passage or navigation:

- (a) while preserving natural character, and maintaining ecosystems, heritage, and amenity values; and
- (b) without undue hazard or loss of enjoyment as a result of private occupation or use of coastal marine space.

21.6.3 Policies

Refer to Rule sections 25.1 – 25.5.

- 21.6.3.1** To avoid, remedy or mitigate adverse effects of facilities for access to and from the coastal marine area and consider the functional need for those activities to occupy the coastal marine area.

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D 10/21
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- 21.6.3.2** To avoid, remedy or mitigate adverse effects of private occupation of space in the coastal marine area, having regard to the common right of public access to or in that area.
- 21.6.3.3** Public access in the coastal marine area will be restricted only where necessary to:
- (a) protect areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - (b) protect cultural and spiritual values of the tangata whenua;
 - (c) protect public health and safety;
 - (d) ensure consistency consistent with the purpose of a resource consent; or other exceptional circumstances.
- 21.6.3.4** To remove or require the removal of unauthorised, abandoned or redundant structures adversely affecting public access, except where removal would have adverse effects on the environment or where the structure has heritage or cultural values. C72 6/20
(D 10/21)
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- 21.6.3.5** To enable Mooring Areas to establish in appropriate locations where the structures will enhance public access to and along the coastal marine area.
- 21.6.3.6** To minimise the effects on public access from moored and anchored craft by:
- (a) providing Mooring Areas in appropriate locations and encouraging mooring within those areas;
 - (b) encouraging public moorings in appropriate locations;
 - (c) requiring the use of space efficient mooring systems where practicable and appropriate.

21.6.20 Methods of Implementation

21.6.20.1 Regulatory

- (a) Rules that prohibit structures that would prevent public access in areas of significant natural value, including estuaries, tidal flats, inshore areas and offshore areas supporting significant coastal marine habitats, except where structures are necessary to protect natural heritage, cultural and spiritual values of the tangata whenua, public health and safety, some scientific purposes and to ensure security consistent with the purpose of a resource consent.
- (b) Rules that prevent private occupation that impedes public access across the foreshore.
- (c) Rules that prohibit occupation by structures where their adverse effects on natural character, natural ecosystems and public interest, cannot otherwise be avoided, remedied or mitigated.
- (d) Bylaw provisions that reserve space for uses of craft, vessels or other activities on the surface of coastal waters, and that prohibit activities in certain locations.
- (e) Bylaw provisions that allow occupation and use of areas for vessels for special occasions.
- (f) Rules that allow the temporary exclusive occupation of space, including temporary structures for military training purposes.
- (g) Rules that regulate the effects of disturbance, structures or occupation on public access in the coastal marine area.
- (h) Rules that enable the removal of unauthorised, abandoned or redundant structures adversely affecting public access. C72 6/20
(D 10/21)
Op7/22
- (i) Rules that encourage efficient moorings, public moorings and moorings in appropriate locations.

21.6.30 Principal Reasons and Explanation

Access to and occupation of coastal marine space for private or commercial purposes may result in reduced opportunities for the use and enjoyment of that space by others. There is a need to control the uptake of space for such occupations in relation to the effect of loss of access for the public.

In some cases it may be possible to maintain or enhance public access in conjunction with private use of the coastal marine area, including public access over structures authorised for private or commercial purposes.

The Act and the New Zealand Coastal Policy Statement require maintenance and enhancement of public access to the coastal marine area, and disturbances, structures or other occupations of coastal space need to be controlled to ensure public access is retained as far as practicable.

21.6.40 Performance Monitoring Indicators

21.6.40.1 Rate of uptake of coastal space for private occupation.

21.7 ENHANCEMENT OF AMENITY VALUES

21.7.1 Issue

The conflict between the amenity value of the coastal marine area that depends on its natural character, and the cultural or recreational amenity obtained through changes to those natural qualities.

21.7.2 Objective

Maintenance and enhancement of the amenity value derived from the natural character of the coastal marine area.

21.7.3 Policies

Refer to Rule sections 25.1 – 25.5.

21.7.3.1 To avoid, remedy or mitigate the adverse effects of activities in the coastal marine area, including structures for its use and enjoyment, on the amenity values of any part of the coastal marine area or coastal land, particularly on those values dependent on natural character, such as in areas adjacent to national parks, estuaries and open beaches, and taking into account:

- (a) location
- (b) permanence
- (c) size and number
- (d) frequency and duration of use
- (e) need to exclude other activities or people.

21.7.20 Methods of Implementation

21.7.20.1 Regulatory

- (a) Rules that regulate the adverse effects of the passage of craft or vehicles across or along the foreshore, particularly in estuaries.

- (b) Rules that regulate the construction, removal, use and maintenance of structures. C72 6/20
(D 10/21)
Op7/22
- (c) Rules that regulate the amenity effects of any disturbances or structures interfering with the movement of coastal water or sediment or involving excavation or removal of material.

21.7.30 Principal Reasons and Explanation

The amenity value of the coastal marine area and of adjacent coastal land may be adversely affected by physical modifications and structures and its maintenance is a key element of the natural character of the coastal marine area. It is necessary to control the amenity effects of structures, disturbances or other activities, particularly as these may also affect the natural character of the coastal marine area.

21.7.40 Performance Monitoring Indicators

- 21.7.40.1 Surveyed satisfaction of coastal users with the amenity value of the coastal marine area as affected by activities in the coastal marine area.

21.50 ENVIRONMENTAL RESULTS ANTICIPATED

- 21.50.1 No decline in the healthy functioning and natural life-supporting capacity of coastal marine ecosystems and the natural functioning of the coastal processes.
- 21.50.2 Retention of valued natural habitats and features.
- 21.50.3 Limited rate of change of coastal landscapes and seascapes.
- 21.50.4 Minimal loss of opportunity for public access to coastal marine space as a result of private or commercial activities. Enhanced public access opportunities as a result of consent decisions.
- 21.50.5 Treaty of Waitangi principles upheld.
- 21.50.6 Retention of the key features of the Tasman's coastal marine area, including landscape and seascape values, amenity values, natural or unmodified ecosystems, active natural processes and cultural heritage values.
- 21.50.7 Continued public access to all significant coastal marine space but a continued reduction in complete access to certain areas.

