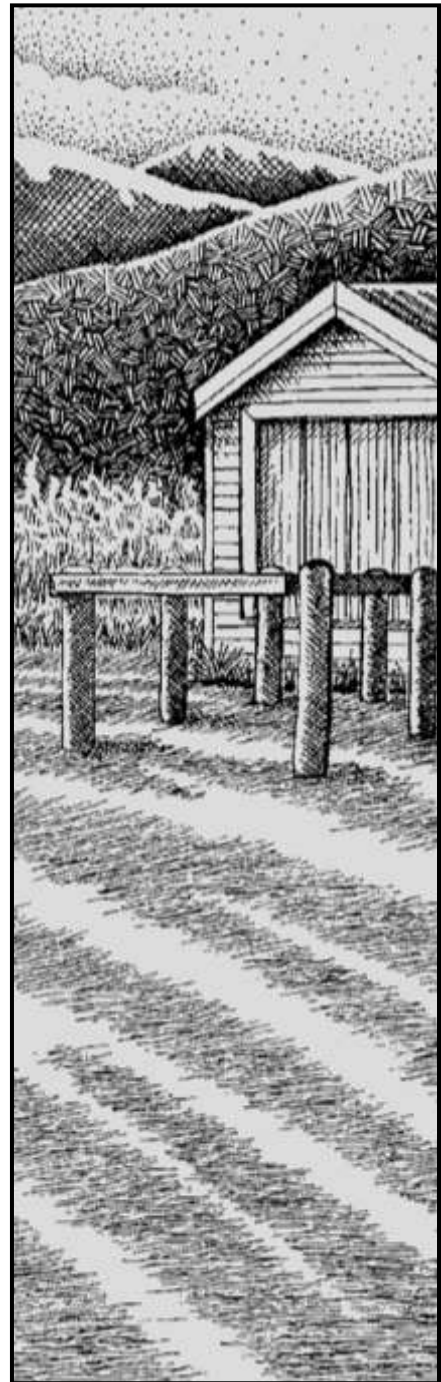


# 8

## Structures and Signs



## 8.1 Introduction

Coastal structures are often required in the coastal marine area in order to provide for a variety of recreational, commercial or industrial purposes. The definition of a structure is any building, equipment, device, or other facility fixed to land, made by people. A ship moored by its anchor is not a structure. A structure does include:

- Recreational structures such as boat ramps, boat sheds and maimais;
- Commercial structures such as marine farms, port facilities and boat ramps;
- Network utility infrastructure such as pipelines and pylons,
- Protective features such as seawalls and groynes; and
- A raft.

Signs may be required in the coastal marine area to assist with safety, provide information and advice, or identify a structure or location.

No person may 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 of seabed (Section 12(1)(b) of the Act). All structures built in the coastal marine area must also comply with the Building Act requirements.

## 8.2 Issues

### 8.2.1 Structures in the coastal marine area may adversely affect sites of cultural significance within and adjacent to the coastal marine area.

#### **Explanation**

Areas and sites of cultural significance to Kai Tahu hold a range of cultural values the integrity of which can be damaged or destroyed by the placement of structures on or near such sites, resulting in the alienating of Kai Tahu from places of waahi tapu and waahi taoka. The Historic Places Act 1993 requires protection of pre 1900 sites of human occupation.

*Objective 8.3.1*

*Policies 8.4.1, 8.4.2, 8.4.6*

### 8.2.2 Structures in the coastal marine area are sometimes used for activities which could be located outside the coastal marine area, while some activities have no practicable alternative other than to locate in the coastal marine area.

#### **Explanation**

Structures in the coastal marine area reduce the space available to the public to use. This means the number of structures should be kept to a minimum by only allowing activities to locate in the coastal marine area where they have either an operational need to be located in the coastal marine area or there are no alternative areas in which to locate. This could include bridges, culverts and other structures associated with strategic road and rail networks which

may need to be placed within the coastal marine area because of constraints of local topography.

*Objective 8.3.3*

*Policy 8.4.3*

**8.2.3 Structures in the coastal marine area may adversely affect the natural character of the coastal marine area through their proliferation in undeveloped or semi-developed areas.**

**Explanation**

Coastlines where there are no or few structures have a different character to those where there are many. Under the Act the Council must preserve the natural character of the coast.

*Objective 8.3.2*

*Policies 8.4.4, 8.4.5, 8.4.8*

**8.2.4 Structures in the coastal marine area may adversely affect the conservation values within and adjacent to the coastal marine area.**

**Explanation**

Some conservation values such as yellow-eyed penguin or fur seal breeding colonies would be particularly sensitive to new developments. The effects would not only be from the construction of a structure but the activity it would be used for.

*Objective 8.3.1*

*Policies 8.4.2, 8.4.6*

**8.2.5 Structures may cause undesired changes to the natural physical coastal processes acting upon the foreshore or seabed.**

**Explanation**

Structures may alter the water or sediment processes which act upon the coastline. The effects of this may include reduced flushing or enclosed water bodies, accelerated erosion or accretion, or altered currents. Because the understanding of the coastal process may be limited where a structure will be constructed it is appropriate to take a precautionary approach.

*Objective 8.3.4*

*Policy 8.4.8, Chapter 14*

**8.2.6 Structures in the coastal marine area may be adversely affected by possible sea level rise and other natural hazards.**

**Explanation**

Structures in the coastal marine area can be exposed to a number of different hazards such as sea level rise, tsunamis, and storms. These dangers should be considered when building a structure.

*Objective 8.3.4*

*Policy 8.4.7***8.2.7 Inappropriately located or designed signs within coastal harbourside areas can have an adverse effect on public access, visual amenity, safety and navigation.****Explanation**

Signs are required in coastal harbourside areas in order to assist with safety, provide information and advice, or identify a structure or location. Signs can detract from public access along wharves or accessways and pose a risk to public safety. Coastal harbourside areas are visually sensitive areas and are viewed by large numbers of people. Inappropriately located or designed signs can obstruct or conflict with navigation and create a hazard.

*Objectives 8.3.5*

*Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10*

**8.3 Objectives****8.3.1 To recognise and provide for values associated with:**

- (a) **Areas of cultural significance; and**
- (b) **Areas of conservation value; and**
- (c) **Areas of public amenity;**

**when considering structures within the coastal marine area.**

**Principal reasons for adopting**

Any structure in the coastal marine area can create adverse effects on values associated with the area. Values associated with Kai Tahu cultural sites, other heritage sites and buildings, areas of conservation value, and areas having public amenity values need to be taken into account and given the appropriate protection under Sections 6 and 7 of the Act.

*Policies 8.4.1, 8.4.2, 8.4.6, 8.4.9*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 8.3.1, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.1, 10.3.4, 10.3.6, 12.3.1*

**8.3.2 To preserve the natural character of Otago's coastal marine area as far as practicable from the adverse effects associated with structures.****Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal marine area and the protection of the coastal marine area from inappropriate subdivision, use and development.

*Policies 8.4.4, 8.4.5, 8.4.6, 8.4.8*

*Other Objectives 5.3.1, 7.3.2, 7.3.3, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.1, 10.3.4, 10.3.6*

**8.3.3 To provide for the development of appropriate new structures and maintenance of existing structures, whilst minimising the use of structures for activities which do not require a coastal marine area location.**

**Principal reasons for adopting**

The aim is to make the most efficient use of the coastal marine area by limiting the use of structures in the coastal marine area to those activities which require them. Provision needs to be made for development of new structures over the life of the Plan, as well as the maintenance of existing structures. Section 6(a) of the Act requires the preservation of the natural character of the coastal marine area and the protection of the coastal marine area from inappropriate subdivision, use and development.

*Policy 8.4.3, 8.4.9*

*Other Objectives 5.3.1, 7.3.1, 7.3.2, 9.3.1, 9.3.2, 9.3.4, 10.3.6, 11.3.1*

**8.3.4 To take into account the effects of natural physical coastal processes when considering structures in the coastal marine area.**

**Principal reasons for adopting**

Natural physical coastal processes acting upon the foreshore or seabed can be altered by structures placed in the coastal marine area to the extent that those processes affect the stability of structures and the shoreline in adjacent areas. Natural hazards, such as storms and sea level rise can damage structures within the coastal marine area. The careful design and planning of such structures in the coastal marine area which take account of the natural physical coastal processes acting on the area should reduce the adverse effects associated with those processes.

*Policies 8.4.7*

*Other Objectives 5.3.1, 7.3.2, 7.3.4, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 10.3.3, 10.3.6, 11.3.1, 14.3.1*

**8.3.5 To provide for appropriate signs in coastal harbourside areas while avoiding, remedying, or mitigating adverse effects.**

**Principal reasons for adopting**

Any sign in a coastal harbourside area can create adverse effects on the environment. Adverse effects on public access, visual amenity, safety and navigation need to be avoided, remedied, or mitigated.

*Policies 8.4.1, 8.4.2, 8.4.3, 8.4.5, 8.4.8, 8.4.9, 8.4.10*

*Other Objectives 5.3.1, 6.3.1, 7.3.1, 7.3.2, 7.3.3*

## 8.4 Policies

**8.4.1 In order that any proposed activity, involving a structure within the coastal marine area that will, or is likely to, have an adverse effect on cultural values, can be identified by kaitiaki runanga, Kai Tahu will be:**

- (a) Treated as an affected party for non-notified resource consent applications involving a structure within areas, or adjacent to such areas, identified in Schedules 2 and 3 of this Plan as having cultural or spiritual values to Kai Tahu; and be**
- (b) Notified about notified resource consent applications involving a structure within the coastal marine area.**

### **Explanation**

Notifying Kai Tahu of notified resource consent applications allows the runanga to assess the implications of each application in respect of their coastal domain and recognises the kaitiaki role that runanga have over the tai whenua (coastal area). Where resource consent applications are received for areas within, or adjacent to any area identified in Schedules 2 and 3 of this Plan as having Kai Tahu spiritual or cultural values, the kaitiaki runanga will be treated as an affected party and their written approval will be required, in accordance with Section 94 of the Act.

### **Principal reasons for adopting**

The use of consultation to address Kai Tahu values, that were not identified within the coastal protection area of this Plan, is seen by them as being the most appropriate way to recognise and protect the cultural relationship that Kai Tahu hold with the tai whenua (coastal domain). Waahi tapu or waahi taoka values applicable to any site or area can be established through consultation. Such sites underpin the cultural relationship and identity to the coastal resource of a particular runanga. Section 8 of the Act requires that the Otago Regional Council take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 9.4.1, 9.4.2, 10.4.1*

**8.4.2 For activities involving structures, priority will be given to avoiding adverse effects on values associated with any area identified in Schedules 2 and 3 of this Plan as being a coastal protection area, a coastal recreation area, an area of outstanding natural feature and landscape or an area important to marine mammals or birds.**

### **Explanation**

Structures placed within or adjacent to areas identified in this policy can adversely affect those features because of their visual intrusion, the effect they can have on the values of coastal recreation areas, disturbance of the foreshore and seabed, and because of their effect on the movement of water and wildlife. These areas are identified in Schedules 2 and 3 of this Plan.

**Principal reasons for adopting**

Section 6(a) of the Act requires the preservation of the natural character of the coastal environment. The features identified form part of the natural character of Otago's coastal marine area and regionally important recreation areas.

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.6, 6.4.3, 6.4.3, 9.4.2, 10.4.2*

**8.4.3 To recognise and have regard for the values and uses associated with coastal development areas and coastal harbourside areas when considering activities involving structures in and adjacent to coastal development areas and coastal harbourside areas.**

**Explanation**

There are a wide range of existing activities occurring within the coastal development areas and coastal harbourside areas that must be recognised and provided for in the Plan. The consideration of new activities in these areas must be set within the context of the existing uses, the developed nature of the areas, and the purpose to which the areas are put to.

**Principal reasons for adopting**

The continued use and development where appropriate of areas already developed within Otago's coastal marine area is important for the social, economic, and cultural well being of the people of Otago.

*Rules 8.5.1 to 8.5.4*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.4, 5.4.7, 5.4.8, 5.4.10, 9.4.3, 9.4.10, 9.4.11, 10.4.9, 10.4.10, 10.4.11, 12.4.1*

**8.4.4 New structures will be avoided, as far as is practicable, in areas of open space, and in areas of little or no development, in order that the amenity values associated with those areas are maintained or enhanced.**

**Explanation**

Open space along the coast is one of the physical qualities which contributes to people's appreciation of its pleasantness, aesthetic coherence, and recreational attributes. Areas which are largely unmodified have special values. They attract people to them because they are in their natural state and often they have significant conservation values as the flora and fauna has not been damaged or disturbed. These values should be recognised as having priority in these areas.

The two levels of development are described as follows, these can be contrasted with the developed area which is also described as follows:

- Areas of no development refer to a coastal marine area in its natural state, where the foreshore and seabed has not been modified by any

structures or other alterations.

- Areas of little development have a foreshore which has been altered by the presence of a structure such as the harbour walls around the margins of Otago Harbour, or a very small number of open piled structures. In these instances there is a human impact on the coastal marine area but it is limited to a few structures and the foreshore has undergone a minor modification.
- Developed areas are where the coast has been altered by all those elements that comprise little development and a mixture of more substantial structures, a higher density of smaller open piled structures and predominant activities and uses. The most developed part of Otago's coastal marine area is the port areas of Otago Harbour and Oamaru Harbour. In these locations there are substantial structures such as harbour breakwaters, dredged channels and wharves. The developed areas are also represented by the fishing harbours of Moeraki, Karitane and Taieri Mouth where there are numerous small piled structures, ramps and more substantial structures such as breakwaters. Other areas which have been developed around a predominant use are locations such as Deborah Bay and Macandrew Bay, within Otago Harbour where the foreshore and seabed has been altered by the construction of small reclamations, piled structures, ramps and moorings for recreational purposes. Such locations are considered developed because the location is identified with a specific or predominant use which requires the placement of structures and alterations of the foreshore and seabed. Developed areas exist because a geographical feature, such as a harbour or bay, is suited to specific commercial, recreational or cultural uses.

#### **Principal reasons for adopting** *[Repealed]*

*Rules 8.5.1 to 8.5.3*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.6, 5.4.8, 5.4.9, 6.4.2, 6.4.3, 6.4.4, 7.4.2, 9.4.2, 9.4.10*

- 8.4.5 New and existing structures will be required to be maintained in a structurally sound and tidy state, and should blend as far as is practicable with the adjoining landscape to minimise the visual impact of that structure on the character of the area.**

#### **Explanation**

Structures in the coastal marine area will be required to be maintained in a sound and tidy state and to blend as far as is practicable with the landscape to minimise the visual impact on natural character.

#### **Principal reasons for adopting**

The preservation of the natural character of the coastal environment is a matter of national importance that all persons exercising functions and powers under the Act, in relation to managing the use, development, and protection of natural and physical resources have to recognise and provide



for. The visual impact of structures, particularly if poorly maintained or if in stark contrast to the background landscape, can result in a reduction in natural character of an area.

*Rules 8.5.1 to 8.5.4*

*Other Methods 1.6.1 to 1.6.4*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.8, 6.4.1, 6.4.2, 9.4.10, 10.4.12*

**8.4.6 When considering structures within the coastal marine area, consideration will be given to the disposal of wastes, the reticulation of water, and the provision of power and other services where necessary.**

**Explanation**

This policy is concerned with those structures locating in the coastal marine area that do not have adequate planning for facilities which may be required at a later date.

**Principal reasons for adopting**

To ensure that, when new structures in the coastal marine area require onshore facilities, these are taken into consideration in the resource consent application, and the appropriate territorial local authority is consulted.

*Rules 8.5.1 to 8.5.3*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.4.6, 10.4.8*

**8.4.7 To encourage new structures within the coastal marine area to provide an additional 0.3 metres of freeboard, or be designed so as to be able to incorporate an additional 0.3 metres of freeboard at a later date, in order to take account of the possibility of sea level rise.**

**Explanation**

The possibility of sea level rise should be taken into account when designing and building new structures in the coastal marine area. The additional 0.3 metres will be above the level presently required to keep the main platform of a structure above the water level expected at mean high water, and including the wave set-up experienced during a storm event.

**Principal reasons for adopting**

The best current international estimates of possible sea-level rise, as a result of greenhouse warming of the earth, indicate a rise of 0.2 metres (range 0.1 - 0.3 metres) by year 2030 and 0.66 metres (range 0.3 - 1.1 metres) by year 2100. A figure of 0.3 metres possible sea level rise is taken as a best estimate to use when considering structures within the coastal marine area.

*Rules 8.5.1 to 8.5.3*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.4, 9.4.9, 14.4.3*

**8.4.8 To require the removal of any structure that is abandoned or redundant by the holder of the consent authorising that structure.**

**Explanation**

The holder of a consent authorising a structure will be required to remove that structure if it is abandoned or no longer required within the coastal marine area. Where an abandoned structure becomes a hazard to people or the environment and the owner cannot be identified the Otago Regional Council will remove the structure. This policy is not intended to apply to historic hulks and other significant structures with heritage values located either within or outside a coastal protection area.

**Principal reasons for adopting**

Structures occupy areas of the coastal marine area to the exclusion of the public and can result in a loss of natural character from an area. Where those structures are abandoned or no longer required, they should be removed.

*Rules 8.5.1 to 8.5.3*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.9, 6.4.3, 6.4.4, 9.4.6, 14.4.1, 14.4.2*

**8.4.9 Structures should only be allowed to locate in the coastal marine area where there are no practicable alternatives elsewhere.**

**Explanation**

Proposals to place a structure in the coastal marine area should demonstrate that all practicable alternatives to locating the structure in the coastal marine area have been considered and that a coastal marine area location is required.

**Principal reasons for adopting**

The coastal marine area is a finite public resource which must be used and managed in a sustainable way. It is recognised that there are occasions where it is necessary to locate structures in the coastal marine area and this needs to be considered. Where there are practicable alternatives to a structure locating in the coastal marine area, it should not be allowed to occupy the public space.

*Rules 8.5.1, 8.5.2, 8.5.3, 8.5.4*

*Other Methods 8.6.1, 8.6.2, 8.6.4*

*Other Policies 5.4.2, 5.4.4, 5.4.6, 5.4.8, 5.4.9, 7.4.2, 9.4.4, 14.4.4*

**8.4.10 Signs within coastal harbourside areas are to be located and designed in a manner that is consistent with development in the area, while having regard to public access, visual amenity, safety and navigation.**

**Explanation**

There is a need for a variety of signs in coastal harbourside areas to assist with safety, provide information and advice, or identify a structure or location. Signs can have an adverse effect on the uses and values associated with a coastal harbourside area if not appropriately located and designed.

**Principal reasons for adopting**

Coastal harbourside areas are characterised as being developed areas that are changing in focus from traditional port activities to recreation and people places with enhanced access to the coastal marine area. Signs are required to assist people to move efficiently and safely, and need to be consistent with development in the area.

*Rules 8.5.1.7, 8.5.1.10, 8.5.2.3, 8.5.2.4, 8.5.3.1, 8.5.3.2*

*Other Methods 8.6.1 to 8.6.4*

*Other Policies 5.4.3, 5.4.4, 5.4.7 to 5.4.11, 6.4.1, 6.4.2, 7.4.1 to 7.4.4*

**8.5 Rules**

Any activity specified in this section as a discretionary activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the Otago Regional Council with a resource consent application.

**Note:** The rules in this section provide only for an activity involving a structure. A consent may also be required under other parts of the Plan for:

- An activity involving a restriction on public access to the coast (see Chapter 7);
- An activity involving an alteration of the foreshore or seabed (see Chapter 9);
- An activity involving a discharge (see Chapter 10); and
- An activity involving the taking, use, damming or diversion of coastal water (see Chapter 11).

It is important that applicants for coastal permits to build or alter a coastal structure determine whether or not they require a building consent. The Building Act 1991 requires that a building consent is obtained before constructing most structures. However, some exemptions do apply.

**8.5.1 Erection or placement of a structure or sign**

**Note:** Section 8.6.4.2 of the Plan requires that the Hydrographer of the Royal New Zealand Navy is informed when a new coastal permit is granted for a structure or works in the coastal marine area.

**8.5.1.1** The erection or placement of a maimai that is fixed in, on, under, or over any foreshore or seabed is a *permitted* activity provided:

- (a) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
- (b) The structure is a maximum size of ten square metres; and
- (c) The structure is no higher than 2.5 metres above mean high water springs; and
- (d) The structure is open piled; and

- (e) The structure is at least 90 metres from any adjacent maimai; and
- (f) The structure is not located within the following coastal protection areas:
  - CPA 24 Akatore Creek; or
  - CPA 33 Tahakopa Estuary; or
  - CPA 35 Tautuku Estuary; or
  - CPA 36 Waipati Estuary.

#### 8.5.1.2 The erection or placement of:

- (1) A whitebait stand between the mouth and the coastal marine area boundary of the Clutha River/Mata-Au as defined in Schedule 1; or
- (2) An eel trap anywhere in the coastal marine area; that is fixed in, on, under, or over the foreshore or seabed is a *permitted* activity provided:
  - (a) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
  - (b) The structure is open piled; and
  - (c) The dimension of the structure perpendicular to the flow of water is either less than ten percent of the width of the water body or three metres, whichever is less; and
  - (d) The structure is at least 20 metres from any neighbouring structure, tide gate, flood gate, confluence or culvert; and
  - (e) The eel trap is not located within the following coastal protection areas:
    - CPA 24 Akatore Creek; or
    - CPA 33 Tahakopa Estuary; or
    - CPA 35 Tautuku Estuary; or
    - CPA 36 Waipati Estuary.

#### 8.5.1.3 The transfer of a swing mooring, which has a coastal permit, to another location is a *permitted* activity provided:

- (a) The swing mooring is allowed by a resource consent or a previous authorisation held under the Harbours Act 1950; and
- (b) The new location is located within:
  - (i) Oamaru coastal development area; or
  - (ii) Karitane coastal development area; or
  - (iii) Moeraki coastal development area; or
  - (iv) Mooring sites identified in Schedule 4 which are part of the Otago Harbour Coastal Recreation Area as shown in Schedule 2; and
- (c) There is space to accommodate a swinging area without infringing on the swinging area of other ships or colliding with any structures; and
- (d) The proposed location will not impede the safe navigation of other ships; and

- (e) Written notice is given to the Otago Regional Council before the mooring is transferred; and
- (f) The Naval Hydrographer is informed of the movement of the mooring within two weeks of transferring the swing mooring.

**Note:** The General Harbour (Nautical and Miscellaneous) Regulations 1968 require the written approval of the Otago Harbour Master be obtained before moving a swing mooring.

**8.5.1.4** Any activity involving the erection or placement of a structure or structures in the coastal marine area is a *discretionary* activity if:

- (a) It would impound or effectively contain 4 hectares or more of the coastal marine area; or
- (b) It is solid (or presents a significant barrier to water or sediment movement) and when established on the foreshore or seabed would extend 300 metres or more in length more or less parallel to the line of mean high water springs (including separate structures which total 300 metres or more contiguous); or
- (c) It is solid (or presents a significant barrier to water or sediment movement), and it is sited obliquely or perpendicular in horizontal projection to the line of mean high water springs, and is in horizontal projection 100 metres or more in length; or
- (d) It is for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.

**8.5.1.5** The placement of fences in the coastal marine area is a *permitted* activity where:

- (a) It is no higher than 1.5 metres above the foreshore; and
- (b) The fence does not run parallel to the line of mean high water springs; and
- (c) The fence is maintained so as to be effective and is removed when it is no longer required; and
- (d) A stile is provided and maintained to enable public access over the fence and along the foreshore; and
- (e) The fence is not located in the following coastal protection areas identified in Schedule 2 of the Plan:
  - CPA 24 Akatore Creek; or
  - CPA 33 Tahakopa Estuary; or
  - CPA 35 Tautuku Estuary ; or
  - CPA 36 Waipati Estuary.

**8.5.1.6** The placement of a pipe to discharge stormwater, stream water or cooling water is a *permitted* activity where:

- (a) The length of the pipe is kept as small as is necessary and extends no further than two metres into the coastal marine area from mean high water springs; and
- (b) The pipe blends with surrounding landscape; and
- (c) The Otago Regional Council is informed of the placement of the pipe before installing the pipe.

**8.5.1.7** The erection or placement of a sign within CHSA 1 Steamer Basin is a *permitted* activity provided:

- (a) It is directional or instructional, and:
  - (i) Has a maximum size of 0.25 square metres; or
  - (ii) Has a maximum size of one square metre if it is for safety, environmental education and navigational purposes; or
- (b) It is a temporary public notice necessary to meet statutory public notification requirements or to protect public health and safety; or
- (c) It is temporary and advertising a cultural, religious or recreational event related to activities being undertaken in CHSA 1 Steamer Basin, and:
  - (i) Has a maximum size of two square metres; and
  - (ii) The cumulative total area of all temporary signs advertising the same community event within CHSA 1 Steamer Basin is a maximum of three square metres; and
  - (iii) Is not displayed for more than 21 days before, and 3 days after, the event; or
- (d) It is located on a ship or structure, and:
  - (i) It relates to the activity being undertaken on the ship or structure; and
  - (ii) There is no more than one sign, mounted flat against:
    - (1) Each façade of the structure; or
    - (2) The starboard or port side of the ship; and
  - (iii) Has a maximum size of two square metres; and
  - (iv) Is not illuminated; and
  - (v) There is no more than one sign mounted at an angle against each façade of the structure, provided the structure is used for public access, and:
    - (1) Its lowest point is a minimum of 2.6 metres above any wharf or pontoon structure; and
    - (2) It is not mounted on the roof of the structure; and
  - (vi) It is not located in a manner that may interfere with visibility or access necessary for safe navigation of ships; or
- (e) It is a sandwich board sign, and:
  - (i) There is only one sandwich board sign per activity; and
  - (ii) It is no higher than 800 millimetres; and

- (iii) It is no wider than 600 millimetres.

**8.5.1.8** The erection or placement of any structure, excluding any sign or rock rubble breakwater, that will attach to the Fryatt Street or Birch Street Wharves within CHSA 1 Steamer Basin, is a *restricted discretionary* activity provided:

- (a) The erection or placement is in accordance with the Harbourside Structure Plan in Schedule 9; and
- (b) Any fixed structure is designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the structure being not less than 102.19 metres above the Otago Metric Datum; and
- (c) There is no more than one recreational kiosk on the Tewsley Street breakwater structure, as shown on the Harbourside Structure Plan in Schedule 9, and:
  - (i) The recreational kiosk does not restrict public access; and
  - (ii) The dimensions of the recreational kiosk are no larger than 50% of the width of the Tewsley Street breakwater structure; and
  - (iii) The recreational kiosk is no longer than five metres.

In considering any resource consent for the erection or placement of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) Consistency with the Harbourside Structure Plan in Schedule 9; and
- (ii) Consistency with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and
- (iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with:
  - (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and
  - (b) AS 4997-2005 being Guidelines for the design of maritime structures; or
  - (c) AS 3962-2001 being Guidelines for design of marinas; and
- (iv) Construction materials; and

- (v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside; and
- (vi) The extent to which the structure is designed to be contiguous with adjoining structures, or with land, visually and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and
- (vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
  - (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf side buildings; and
  - (b) Provision is made for water and sewage pump-out facilities; and
- (viii) For any building located on a structure, the extent to which:
  - (a) Any building above wharf level will facilitate the engagement of the public in nautical activities within CHSA 1 Steamer Basin; and
  - (b) Water edge railing, lighting and other fittings, and surface materials complement and enhance the wharves; and
- (ix) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and
- (x) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and
- (xi) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and
- (xii) Any adverse effect on natural physical coastal processes operating in the area; and
- (xiii) Any adverse effect on any biological community; and
- (xiii) Any adverse effect on water quality; and
- (xv) Any adverse effect on Kai Tahu cultural and spiritual values; and
- (xvi) Any adverse effect on historic heritage values; and
- (xvii) The duration of the resource consent; and
- (xviii) The information and monitoring requirements; and
- (xix) Any existing lawful activity associated with the area; and
- (xx) Any insurance or other appropriate means of remedying the effects of failure; and
- (xxi) Any bond; and
- (xxii) A financial contribution; and
- (xxiii) The review of conditions of the resource consent.



Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

**8.5.1.9** Except as provided for by Rules 8.5.1.1 to 8.5.1.6, 8.5.1.8 and 8.5.1.10, any activity involving the erection or placement of a structure or structures in, on, under, or over any foreshore or seabed is a *discretionary* activity.

**8.5.1.10** Except as provided for by Rule 8.5.1.7, the erection or placement of a sign in CHSA 1 Steamer Basin is a *discretionary* activity.

#### **Principal reason for adopting**

The erection or placement of a structure on any foreshore or seabed in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed coastal plan, or a resource consent (Section 12(1)(b) of the Act). The erection or placement of any maimai, whitebait stand at the Clutha River/Mata-Au mouth or eel trap, or the shifting of an authorised swing mooring will have minor adverse effects if the standards or terms are met. It is sometimes necessary to extend a stock fence into the coastal marine area to prevent the wandering of stock. The environmental effects of these fences is minor. The placement of small pipes for stormwater and other minor discharges that are permitted by 10.5.3 will have only minor effects on the environment.

With a focus upon public access and recreational activities, signage within CHSA 1 Steamer Basin is permitted where it meets specified standards. This recognises the function of signage in informing the public of activities while minimising potential effects upon visual amenity for activities on the adjacent land. The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area. Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the areas within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor. Any other activity involving the erection or placement of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.

#### **8.5.2 Maintenance, extension, alteration, replacement or reconstruction of a structure**

**Note:** The Harbours Act 1950 requires that the Director of Maritime of Transport is informed of:

- (a) Any change to a navigational beacon, and that the written permission of the Director is obtained before undertaking the work; or
- (b) The reconstruction or any change in the size of a structure within two weeks of completing the work.

**8.5.2.1** The extension, alteration, replacement or reconstruction of any navigational aid is a *permitted* activity provided:

- (a) Written notice of the proposed extension, alteration, replacement or reconstruction is given to the Otago Regional Council; and
- (b) The Naval Hydrographer is informed of any change in size or position of the aid.

**8.5.2.2** The maintenance, extension, alteration, replacement or reconstruction of any wharf or, marina, or line or structure (or part thereof) used for telecommunication or radiocommunication operations, or rail structure within a coastal development area, is a *permitted* activity provided:

- (a) The maintenance, extension, alteration, replacement or reconstruction is for the purposes of improving the safety of the wharf or marina, or the safety and/or performance of the telecommunication or radiocommunication line or structure; and
- (b) The maintenance, extension, alteration, replacement or reconstruction does not result in a change greater than 5% to the area of the wharf or marina, or incremental change in area greater than 5% in any five year period; and
- (c) The maintained, extended, altered, replaced or reconstructed telecommunication or radio-communication line or structure shall not extend:
  - (i) More than 10 metres above an existing building or structure on a wharf or marina when it is attached to the building or structure; or
  - (ii) More than 15 metres above the main platform of a wharf or marina when it is attached directly to the main platform of a wharf or marina; and
- (d) Written notice of the proposed maintenance, extension, alteration, replacement or reconstruction is given to the Otago Regional Council.

**8.5.2.3** The maintenance, alteration, replacement or reconstruction of a structure, or part of the structure outside a Coastal Development Area, that is fixed in, on, under, or over any foreshore or seabed, other than as specified in rule 8.5.2.1 or 8.5.2.2 is a *permitted* activity provided:

- (a) It does not result in a change to the overall dimensions or outline of the structure; and
- (b) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing

- the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
- (c) As far as is practicable the work on the structure results in the structure blending in with the character of the adjoining landscape.

**8.5.2.4** Except as provided for by Rule 8.5.2.3, the maintenance, extension, alteration, replacement or reconstruction of the Fryatt Street or Birch Street Wharves, or of any structure or part of any structure, excluding any rock rubble breakwater, attached to the Fryatt Street or Birch Street Wharves, is a *restricted discretionary* activity provided:

- (a) The extension, alteration, replacement or reconstruction is in accordance with the Harbourside Structure Plan in Schedule 9; and
- (b) The Birch Street and Fryatt Street Wharves, or any other fixed structure are designed with a freeboard of not less than 0.33 metres above the highest recorded tide (which is 101.86 metres above the Otago Metric Datum) to take account of predicted sea level rise to the year 2050, resulting in the top finished level of the wharf or structure being not less than 102.19 metres above the Otago Metric Datum.

In considering any resource consent for the maintenance, extension, alteration, replacement or reconstruction of any structure or part of any structure in terms of this rule, the Otago Regional Council will restrict the exercise of its discretion to the following:

- (i) Consistency with the Harbourside Structure Plan in Schedule 9; and
- (ii) The extent to which the proposal is consistent with the Harbourside Design Code in Appendix 26.2 of the Dunedin City District Plan, including any written evidence provided by the applicant as to the outcome of consultation with the Dunedin City Council; and
- (iii) The extent to which the wharf, floating pontoon, breakwater, associated pile, mooring or fendering is fit for its intended purpose including mitigation for wake and wave action systems (which may include supporting minor buildings such as kiosks and sheltered viewing gazebos or accommodating the berthage of Port Otago Limited tugs, barges and dredges or the like) and comply with:
- (a) New Zealand Building Code Requirements, with a minimal structural (operational) life of 50 years; and
- (b) AS 4997-2005 being Guidelines for the design of maritime structures; or
- (c) AS 3962-2001 being Guidelines for design of marinas; and

- (iv) Construction materials; and
- (v) The extent to which the design of the structure provides strong clear connectivity between the land and the waters of the Dunedin Harbourside; and
- (vi) The extent to which the structure is designed to be contiguous with adjoining structures, or with land, visually and materially in terms of finished surface materials, edge treatment and design detail, lighting and seating; and
- (vii) For any structure adjoining the Fryatt Street or Birch Street Wharves at or below wharf level, the extent to which:
  - (a) Wharf edge railing, bollards, lighting, seating and surface materials complement and enhance the port and maritime ambience of the wharf side buildings; and
  - (b) Provision is made for water and sewage pump-out facilities; and
- (viii) Provision for public access and the necessity to establish an appropriate legal mechanism to ensure public access is maintained; and
- (ix) The extent to which the structure provides a continuous water-edge promenade along the entire length of the harbour edge at all times that can accommodate a range of non-motorised uses including strolling, cycling, roller-blading, scooters, pushchairs and wheelchairs; and
- (x) Provision for navigational safety and the safe berthage of vessels within CHSA 1 Steamer Basin; and
- (xi) Any adverse effect on the natural physical coastal processes operating in the area; and
- (xii) Any adverse effect on any biological community; and
- (xiii) Any adverse effect on water quality; and
- (xiv) Any adverse effect on Kai Tahu cultural and spiritual values; and
- (xv) Any adverse effect on historic heritage values; and
- (xvi) The duration of the resource consent; and
- (xvii) The information and monitoring requirements; and
- (xviii) Any existing lawful activity associated with the area; and
- (xix) Any insurance or other appropriate means of remedying the effects of failure; and
- (xx) Any bond; and
- (xxi) A financial contribution; and
- (xxii) The review of conditions of the resource consent.

Applications may be considered without notification under Section 93 and without service under Section 94(1) of the Resource Management Act on persons who, in the opinion of the consent authority, may be adversely affected by the activity.

- 8.5.2.5** Except as provided for by Rules 8.5.2.1 to 8.5.2.4, any extension, alteration, replacement or reconstruction of an existing line or

structure that is fixed in, on, under, or over any foreshore is a *discretionary* activity.

#### **Principal reason for adopting**

The extension, alteration, replacement or reconstruction of a structure in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed regional coastal plan, or a resource consent (Section 12(1)(b) of the Act). The ability to extend, alter, replace or reconstruct existing navigational aids is given permitted activity status in order to be able to maintain and modify, as necessary, the existing navigational markers in order to provide for the safe navigation of Otago's coastal waters. The ability to extend, alter, replace or reconstruct existing wharves and marinas in any coastal development area is given permitted use status because the adverse effects of such an activity are minor and the activity will result in the improved safety of such structures. Any extension, alteration, replacement or reconstruction that does not result in changed dimensions of the structure is permitted in recognition of the minor adverse effects of such activity. The current (2008) Birch Street and Fryatt Street Wharves within Dunedin Harbourside straddle mean high water springs, falling under the jurisdiction of both the Otago Regional Council and the Dunedin City Council. The rules require coordination with the Dunedin City Council in the management of the area.

Steamer Basin is a highly modified marine environment where public access and recreational activities will be enhanced. The Harbourside Structure Plan in Schedule 9 specifies the geographical locations within which redevelopment is practical and the environmental effects upon the coastal marine area will be minor. Any other activity involving the extension, alteration, replacement or reconstruction of a structure is a restricted discretionary or discretionary activity in order that any adverse effects can be assessed.

### **8.5.3 Demolition or removal of a structure**

- Note:**
1. The Harbours Act 1950 requires that the Director of Maritime Transport is informed of:
    - (a) Any change to a navigational beacon, and that the written permission of the Director is obtained before undertaking the work; or
    - (b) The reconstruction or any change in the size of a structure within two weeks of completing the work.
  2. It is necessary that the Hydrographer of the Royal New Zealand Navy is informed of the demolition or the removal of a structure within 2 weeks of completion so that navigational charts can be updated.

- 8.5.3.1** The demolition or removal of any floating or open piled structure or any part of a floating or open piled structure that is fixed in, on, under, or over any foreshore or seabed is a *permitted* activity provided:

- (a) The disturbance of the foreshore or seabed is confined to within the perimeter of the structure, and after completing the activity the foreshore or seabed is smoothed over to leave a depression no deeper than 0.5 metres; and
- (b) It results in the complete removal of the structure, as far as practicable, from the coastal marine area; and
- (c) The structure is no longer required, abandoned, illegal or unsafe; and
- (d) All material removed or demolished from the structure is removed from the coastal marine area; and
- (e) Written notice of the proposed demolition is given to the Otago Regional Council; and
- (f) The structure is not a historic structure, or its removal does not disturb adjacent historic sites listed in Schedule 2 of the Plan or in the New Zealand Historic Places Trust Register for Otago.

**8.5.3.2** Except as provided for by rule 8.5.3.1, any demolition or removal of any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed is a *discretionary* activity.

#### **Principal reasons for adopting**

The removal or demolition of a structure in the coastal marine area can only occur if it is expressly allowed by a rule in a regional coastal plan or any relevant proposed regional coastal plan, or a resource consent (Section 12(1)(b) of the Act). The removal or demolition of any floating or open piled structure will have minor adverse effects if it complies with the matters specified. Any other activity involving the removal or demolition of a structure is a discretionary activity in order that any adverse effects can be assessed. Historic structures and sites are a significant cultural resource which must be given appropriate consideration before any activity is undertaken that may affect them. Appropriate consideration of a historic resource can only be achieved when the activity is considered as a discretionary activity.

### **8.5.4 Submarine cables**

**8.5.4.1** The placement, alteration or extension of a submarine cable is a *permitted* activity provided:

- (a) The cable is laid on or above the surface of the seabed, except where it is laid across a dredged channel where it may be buried; and
- (b) Wherever practicable, the cable remains buried where it passes across the foreshore, and where there is an operational need the cable is buried for a maximum of 20 metres seaward of mean low water; and
- (c) Any disturbance of the foreshore and seabed is no wider than 1.5 metres, and any disturbance of the foreshore is smoothed over to the same level as the adjacent foreshore,

- and the restoration blends with the surrounding landscape;  
and
- (d) No contaminants are discharged to water, except for the short term localised re-suspension of foreshore and seabed sediment; and
  - (e) The cable is not located within the following coastal protection areas:  
CPA 24 Akatore Creek; or  
CPA 33 Tahakopa Estuary; or  
CPA 35 Tautuku Estuary; or  
CPA 36 Waipati Estuary; and
  - (f) The Otago Regional Council is informed of the proposal 10 working days before commencing the work; and
  - (g) The Naval Hydrographer is informed on completion of the work.

**8.5.4.2** Except as provided for in Rule 8.5.4.1, the placement, alteration, or extension of cables within the coastal marine area is a *discretionary* activity.

**Principal reasons for adopting**

The placement of submarine cables can only occur if provided for by a rule in a regional coastal plan or a resource consent (Section 12 of the Act). Often there are no practicable alternatives to the placement of submarine cables in the coastal marine area. The alternatives, such as aerial cables or following the coastal margin for a considerable distance, can have greater impacts on the environment, particularly in terms of visual impact. The placement of submarine cables on the seabed will have a minor effect on the coastal marine area. The small diameter of the cables will cause only minor temporary disturbances to the environment.

## 8.6 Other methods

### 8.6.1 Consultation

**8.6.1.1** Recognise and take account of Iwi Management Plans as a basis for consultation with Kai Tahu.

**Principal reasons for adopting**

The use of consultation to address Kai Tahu values is seen by them as being the most appropriate way to recognise and protect the cultural relationship that Kai Tahu hold with the tai whenua (coastal domain). Iwi Management Plans would form a basis for consultation with Kai Tahu.

### 8.6.2 Liaison

**8.6.2.1** To hold joint hearing, where appropriate, with adjacent territorial local authorities where resource consent applications for structures below mean high water springs which either require

land based facilities or which cross the mean high water springs boundary.

**Principal reasons for adopting**

To achieve the integrated planning of the coastal environment, activities which have effects on both sides of the mean high water springs boundary are best considered by the appropriate consent agencies jointly.

**8.6.3 Encouragement and promotion**

**8.6.3.1** To encourage and promote the removal of structures in the coastal marine area which are no longer needed, abandoned, illegal or unsafe.

**Principal reasons for adopting**

These structures may be a nuisance, an eyesore, or a hazard to either the public or ships. Their removal would improve the use and enjoyment of Otago's coastal marine area.

**8.6.4 Information Provision**

**8.6.4.1** To provide information on appropriate design criteria for new and existing structures within the coastal marine area in order to minimise any adverse visual impact of those structures.

**8.6.4.2** To notify the Minister of Transport, or the authority the Minister delegates powers to, and the Hydrographic Office of the Royal New Zealand Navy of any new structure or works within the coastal marine area allowed by the Otago Regional Council at the time any permission is given.

**Principal reasons for adopting**

The visual impact of a new structure can be minimised in some cases by choosing an appropriate colour and design which blends in with the surrounding environment. Section 395(1) of the Act requires that a regional council notify the Minister of Transport of applications for works or structures in the coastal marine area. The Minister can delegate these powers and has presently delegated these powers to the Director of the Maritime Safety Authority. Informing the Maritime Safety Authority and the Hydrographic Office of the Royal New Zealand Navy ensures that mariners know where new structures are and records are kept.

**8.7 Anticipated environmental results**

**8.7.1** The values and concerns of Kai Tahu are fully considered when considering resource consent applications for structures in the coastal marine area.

**8.7.2** Structures or the use of structures in the coastal marine area does not result in a loss of cultural or conservation values of the area.



- 8.7.3     A minimum of structures in the coastal marine area used for activities for which a coastal marine area is not essential.**
- 8.7.4     The placement or erection of structures in the coastal marine area does not result in a loss of natural character from Otago's coastal environment.**
- 8.7.5     Developed areas of the coast continue to develop, while other coastal values are provided for, to meet the social and economic needs of the community.**
- 8.7.6     Structures in the coastal marine area are adequately designed and built to handle possible sea level rise or natural hazards.**
- 8.7.7     Applications for resource consents for structures which might permanently affect water and sediment movement are considered carefully and a precautionary approach is taken.**
- 8.7.8     Ships are able to safely navigate Otago's coastal marine area.**

