

AMENDMENTS TO REMOVE RESTRICTED COASTAL ACTIVITY PROVISIONS FROM THE REGIONAL COASTAL PLAN FOR THE WEST COAST – OPERATIVE FROM 14 JANUARY 2011

The following provisions from the Regional Coastal Plan for the West Coast are deleted or amended in accordance with section 55 of the Resource Management Act 1991, and the new New Zealand Coastal Policy Statement, which no longer requires Restricted Coastal Activities in regional coastal plans.

Text to be removed from the Plan is shown with a line through it. Text to be added for grammatical reasons or renumbering is shown as bold, italic, underlined text.

Chapter 2 Legislative and Policy Framework **2.5 STATUS OF ACTIVITIES**

~~Restricted Coastal Activity~~

~~A restricted coastal activity is an activity for which the Minister of Conservation is the consent authority. The Minister is able to either grant or decline the application. Where an activity is specified as being a restricted coastal activity, an application is still made to the WCRC and that application is considered by a Regional Council hearings panel which has one Ministerial appointment to it. That panel makes a recommendation to the Minister of Conservation who makes the final decision.~~

~~The WCRC is responsible for administration and enforcement of coastal permits issued through this process.~~

~~*Cross Reference: Schedule 4*~~

Chapter 7 Public Access and Occupation of Space

7.5 RULES

7.5.1 Occupation of the coastal marine area

Any activity specified in this section as a discretionary or restricted coastal activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the WCRC with a resource consent application.

~~7.5.1.4 Any activity involving occupation of the coastal marine area is a discretionary activity and a restricted coastal activity if it:~~

- ~~a) Would exclude or effectively exclude public access from areas of the coastal marine area over 10 hectares (except where such exclusion is required in commercial port areas for reasons of public safety or security); or~~
- ~~b) Would exclude or effectively exclude the public from more than 316 metres along the length of the foreshore; or~~
- ~~c) Would involve occupation or use of areas greater than 50 hectares of the coastal marine area and such occupation or use would restrict public access to or through such areas.~~

~~Note: The difference between (a) and (c) is that (a) excludes public access while (c) restricts public access.~~

~~7.5.1.5~~ **7.5.1.4** Except as provided for by 7.5.1.1 - 7.5.1.4 **3** any activity involving occupation of land of the Crown within the coastal marine area is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 7.5.1

~~S1.9 of the First Schedule of the New Zealand Coastal Policy Statement requires that the occupation of space, as specified in Rule 7.5.1.4, is a restricted coastal activity.~~

~~In accordance with Rule 7.5.1.5, any other occupation of space requires a resource consent pursuant to S12(2)(a) of the Act.~~

Chapter 8 Structures

8.5 RULES

Any activity specified in this section as a controlled, or discretionary ~~or restricted coastal~~ activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the West Coast Regional Council with a resource consent application.

8.5.1 Erection or placement of a structure

~~8.5.1.7 Any activity involving the erection or placement of a structure or structures in the coastal marine area is a **discretionary activity** and a **restricted coastal activity** if:~~

- ~~a) It would impound or effectively contain 4 hectares or more of the coastal marine area, excluding submarine or sub-aqueous cable, or floating or open piled structures which can be demonstrated to not impede water flows; 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), excluding submarine or sub-aqueous cable, or floating or open piled structures which can be demonstrated not to have adverse effects; 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), excluding submarine or sub-aqueous cable; or~~
- ~~d) It is for the storage or containment of any petroleum, petroleum products, or contaminants, in quantities greater than 50,000 litres.~~

~~Note: For the purposes of this rule, overhead lines, including telecommunication lines are not a Restricted Coastal Activity. This activity is a discretionary activity pursuant to Rule 8.5.1.8.~~

~~8.5.1.8 8.5.1.7 Except as provided for by 8.5.1.1 to 8.5.1.4 6, any activity involving the erection or placement of a structure or structures in, on, under, or over any land in the coastal marine area is a **discretionary activity**.~~

~~S1.2, S1.3, S1.4, S1.5 of the First Schedule of the New Zealand Coastal Policy Statement require that the activities identified in Rule 8.5.1.3 are restricted coastal activities.~~

Chapter 9 Alteration of the Foreshore and Seabed

9.5 RULES

Any activity specified in this section as a discretionary ~~or restricted~~ coastal activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the WCRC with a resource consent application.

9.5.1 Reclamation or draining of the foreshore or seabed

~~9.5.1.1 Any activity involving the reclamation of foreshore or seabed is a discretionary activity and restricted coastal activity if:~~

- ~~a) It equals or exceeds 1 hectare; or~~
- ~~b) It extends 100 metres or more in any direction; or~~
- ~~c) It is an incremental reclamation connected to, or part of, another reclamation which;
 - ~~i. Was commenced or received a resource consent after 5 May 1994, and~~
 - ~~ii. The sum of the existing and proposed reclamations exceed the dimensions in (a) or (b).~~~~

~~Except as provided for by Rule 9.5.1.1, a~~Any activity involving the reclamation or draining of foreshore or seabed, for the purpose of reclamation, is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 9.5.1

~~S1.1 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities identified in Rule 9.5.1.1 are restricted coastal activities from the gazettal date of the New Zealand Coastal Policy Statement.~~

Any ~~other~~ activity involving the reclamation or draining, for the purpose of reclamation, of the foreshore or seabed is a discretionary activity in order that any adverse effects can be assessed.

9.5.2 Removal of sand, shingle, driftwood or other natural material from the coastal marine area

~~9.5.2.3 Notwithstanding 9.5.2.2 and excluding maintenance dredging, the removal of sand, shingle, driftwood or other natural material from the coastal marine area in any 12 month period is a discretionary activity and restricted coastal activity if:~~

- ~~a) It is in volumes greater than 50,000 cubic metres; or~~
- ~~b) It is extracted from areas equal to or greater than 4 hectares; or~~
- ~~c) It extends 1,000 metres or more over foreshore and seabed.~~

~~Note: Maintenance dredging is a discretionary activity in accordance with Rule 9.5.2.4.~~

9.5.2.4 ~~3~~ Except as provided for by 9.5.2.1 *and* 9.5.2.2, ~~or 9.5.2.3~~ the removal of sand, shingle, driftwood or other natural material from the coastal marine area is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 9.5.2

~~S1.6 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities identified in Rule 9.5.2.3 are restricted coastal activities.~~

Any other activity involving the removal of any sand, shingle, driftwood or other natural material is a discretionary activity as specified in Rule 9.5.2.4~~3~~, in order that any adverse effects can be assessed.

9.5.3 Disturbance

- ~~a) 9.5.3.6 Any disturbance of foreshore or seabed in the coastal marine area, in any 12 month period, and excluding maintenance dredging, is a **discretionary activity and restricted coastal activity** if:~~
- ~~b) It is in volumes greater than 50,000 cubic metres; or~~
- ~~c) Material is extracted from areas equal to or greater than 4 hectares; or~~
- ~~d) It extends 1,000 metres or more over foreshore and seabed.~~

~~Note: Maintenance dredging is a discretionary activity in accordance with Rule 9.5.3.7.~~

9.5.3.7 6 Except as provided for by 9.5.3.1 to 9.5.3.6 5 any disturbance of foreshore or seabed is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 9.5.3

~~S1.6 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities specified in Rule 9.5.3.6 are restricted coastal activities.~~

Any other activity involving disturbance of the foreshore and seabed is a discretionary activity under Rule 9.5.3.7 6, in order that any adverse effects can be assessed.

9.5.4 Deposition of sand, shingle, or other natural material

- ~~9.5.4.1 Any activity involving the depositing of any material on the foreshore or seabed in quantities greater than 50,000 cubic metres in any 12 month period in the coastal marine area is a **discretionary activity and a restricted coastal activity**.~~

- 9.5.4.2 9.5.4.1 Except as provided for by 9.5.4.1, ~~a~~ any activity involving the deposition of sand, shingle, or other natural material in the coastal marine area is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 9.5.4

~~S1.7 of the First Schedule of the New Zealand Coastal Policy Statement requires that the activities described in Rule 9.5.4.1 are restricted coastal activities.~~

Any ~~other~~ activity involving the deposition of sand, shingle, or other natural material is a discretionary activity under 9.5.4.2 9.5.4.1, in order that any adverse effects can be assessed.

Chapter 10 Discharges

10.5 RULES

Any activity specified in this section as a controlled, ~~or~~ discretionary ~~or restricted~~ coastal activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the WCRC with a resource consent application.

10.5.2 Discharge of human sewage, except from ships

~~10.5.2.1 The discharge of human sewage to the coastal marine area, except from ships, which has not passed through soil or wetland, is a **discretionary activity** and a **restricted coastal activity**.~~

~~10.5.2.2~~ **10.5.2.1** Except as provided for by 10.5.2.1, ~~a~~Any discharge of human sewage, except from ships, to the coastal marine area, is a **discretionary activity**.

Principal reasons for adopting the Rules in Section 10.5.2

~~Due to the cultural concern over the discharge of human sewage directly into the coastal marine area, the First Schedule of the New Zealand Coastal Policy Statement makes the discharge of human sewage that has not passed through soil or wetland a restricted coastal activity (S1.10 of the New Zealand Coastal Policy Statement). The discharge of sewage that has passed through soil and wetland needs to be considered within the same policy framework because of the potential adverse effects arising from those discharges.~~

10.5.4 Discharges in exceptional circumstances

10.5.4.1 A discharge to the coastal marine area that would not meet the requirements of section 107(1) of the Act, on the basis of exceptional circumstances, as provided for by section 107(2)(a) of the Act, is a **discretionary activity**. ~~and a **restricted coastal activity**.~~

Principal reasons for adopting the Rule in Section 10.5.4

~~S1.10 (b) of the New Zealand Coastal Policy Statement's First Schedule requires the inclusion of this rule. It means that any Any discharge to the coastal marine area in which the applicant wishes to rely on section 107(2)(a) of the Act will be a restricted coastal discretionary activity.~~

10.5.6 Hazardous substances

10.5.6.2 Except as provided for in ~~Rule 8.5.1.7 (d) and~~ Rule 10.5.6.1, the storage of hazardous substances in the coastal marine area is a **discretionary activity**.

Chapter 11 Taking, Use, Damming or Diversion

11.5 RULES

Any activity specified in this section as a discretionary ~~or restricted coastal~~ activity requires a resource consent. Chapter 15 of this Plan specifies the information that must be submitted to the WCRC with a resource consent application.

Chapter 13 Exotic Plants

13.5 RULES

13.5.1 Introduction of exotic or introduced plants

13.5.1.2 The introduction or planting of any exotic or introduced plant (which is not a pest plant) in the coastal marine area ~~where the plant is not already present~~ is a **discretionary activity**, and a ~~restricted coastal activity~~.

13.5.1.3 ~~The introduction or planting of any exotic or introduced plant (which is not a pest plant) in an area where the plant is already present is a~~ **discretionary activity**.

Principal reasons for adopting the Rules in Section 13.5.1

~~S1.8 of the First Schedule of the New Zealand Coastal Policy Statement provides that the introduction or planting of any exotic or introduced plant in the coastal marine area where the plant is not already present is a restricted coastal activity.~~

Chapter 15 Information Requirements

15.1 BACKGROUND

Without limiting the requirements of Section 88 of the Act, or of the Fourth Schedule to the Act, any application for the following activities will be required to supply information as specified in this chapter of the Regional Coastal Plan:

- (a) Any activity which this Regional Coastal Plan specifies as being a discretionary activity, or a controlled activity; ~~or a restricted coastal activity;~~ and

SCHEDULE 5: RESTRICTED COASTAL ACTIVITIES

Delete the whole chapter.

GLOSSARY

~~Restricted coastal activity* — Any discretionary activity or non-complying activity—~~
~~(a) — Which, in accordance with section 68, is stated by a regional coastal plan to be a restricted coastal activity; and~~
~~(b) For which the Minister of Conservation is the consent authority.~~