

Guidance Note for Structures and Occupation of Space in the Coastal Marine Area



Completing the application form to perform activities in the coastal environment?
Please supply more detail on your proposed structure in the coastal marine area (CMA).

Provide an appropriate level of information relative to the scale of your activity. If your proposed structure is small and unlikely to affect navigation, your description might fit in the space on Form B - you can probably do it yourself.

However, if you seek consent to erect a large structure in the CMA to occupy a big area, you will likely need to engage a technical consultant to identify the possible effects of your activity. Writing 'Not applicable' isn't enough. You need to add some comment, such as: 'My proposed structure complies with Policy 18-1 because it has a functional need to be located in the CMA...'

Only particularly relevant parts of policies and objectives are shown here. Full text, relevant objectives and policies are available at: <http://www.hbrc.govt.nz/our-council/policies-plans-strategies/rcep/>

1. Sustainable management (RMA, Part 2)

The purpose of the Resource Management Act is to promote the sustainable management of natural and physical resources. Your proposed activity must use natural and physical resources in a way or at a rate, to enable people and communities to provide for their social, economic, and cultural well-being, and for their health and safety. Your proposed activity must also:

- sustain the potential of natural and physical resources to meet the needs of future generations; and
- safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
- avoid, remedy or mitigate any adverse effects of activities on the environment.

Please explain why you think that your proposed activity is sustainable

2. Relevant legislation (Section 104(1)(b))

Regional Policy Statement (RPS)

Objective 4: the natural character of the coastal environment should be preserved and protected from inappropriate subdivision, use and development.

Objective 5: public access to and along the coast must be enhanced, where practical and in public interests.

Objective 7: coastal characteristics of special significance to iwi should be protected, including waahi tapu (sacred places), tauranga waka (landings for waka), taonga raranga (plants used for weaving and resources used for traditional crafts), mahinga kai (food cultivation areas) and mahinga mātaītai (sea-food gathering places).

Objective 10: safe and efficient navigation should be maintained.

Regional Coastal Environment Plan (RCEP)

Policy 2.3: future use and development should be in coastal environment areas already significantly modified by similar activities. This is to avoid, remedy or mitigate adverse effects from new use and development.

Policy 2.4: appropriate use and development must be recognised and provided for, so long as any adverse effects on the coastal environment's natural character from such use and development are avoided, remedied or mitigated.

Policy 2.5: the use and development of port facilities as part of the coastal environment's physical resources should be supported to meet the needs of the regional community and future generations. Where practical, adverse effects of port activities on natural character and processes must be avoided, remedied or mitigated.

Policy 2.6: local authorities have statutory functions for their communities, providing services for wastewater, stormwater, water supply, parks and recreation, roads and solid waste disposal.

Objective 4.1: these regionally and nationally significant or important resources are protected from inappropriate use and development: ecosystems, areas of indigenous vegetation and areas of the habitat of indigenous fauna in the coastal environment.

Objective 5.1: public access to and along the coastal marine area must be maintained and enhanced while needing to protect certain areas for ecological, cultural, historic heritage, health, safety, or security (including biosecurity) reasons, supported by policies relating to matters such as:

- rights to occupy space are not granted for longer or over a greater area than is necessary to enable the activity to be carried out;
- activities and structures occupying space in the CMA are established and operated in a way that maximises public use and access, except where ecological and cultural values, health, safety, security (including biosecurity) or other exceptional circumstances require;
- activities occupying space in the coastal marine area do not unreasonably restrict or prevent other uses of space in the CMA

Objectives 18.1 and 18.2: avoid, mitigate or remedy adverse effects on the environment from the use and development of structures, and occupation of space in the CMA. Policy 18.1: sets out environmental guidelines to manage structures and associated occupation of space in the CMA, see over.

Environmental guidelines to manage structures and associated occupation of space in the Coastal Marine Area

Issue	Guideline
1. Removal and demolition of redundant or abandoned structures	<p>The following requirements shall be met in relation to any redundant or abandoned structure, shipwreck or vessel that is fixed in, on, under, or over the foreshore or seabed:</p> <ul style="list-style-type: none"> (i) where removal is practicable, such structures should be removed at the expense of the owner or consent holder to enhance public access, navigational safety, people's health and safety and natural character of the coastal marine area. (ii) where removal of such structures is not practicable and there are adverse effects caused by the structure remaining in the coastal marine area, those adverse effects should be avoided, remedied or mitigated.
2. Functional need	<ul style="list-style-type: none"> (a) Existing and lawfully established structures and new small-scale structures directly associated with activities that have a functional need to locate in, or adjacent to, the coastal marine area (including aquaculture activities and network utility operations), shall be provided for. (b) Structures that have a functional need to locate in the coastal marine area may be appropriate where: <ul style="list-style-type: none"> (i) they do not adversely affect navigation and mooring within navigation channels (ii) they do not adversely affect coastal hydrological and geomorphic processes (iii) they do not contribute to a proliferation of structures in the coastal marine area or do not promote the inefficient use of existing structures, facilities and network utility corridors (iv) adverse effects on historic heritage, sites of cultural significance, indigenous flora, fauna, benthic organisms and their habitats, are avoided, or mitigated where avoidance is not practicable. (c) Erection, placement, use of, and occupation of space by structures that do not have a functional need to locate in the coastal marine area is inappropriate and shall not be provided for.
3. Construction materials	Use of constructions materials containing hazardous substances in quantities which will adversely affect the life supporting capacity of the coastal marine area shall be avoided.
4. Public access and other uses	<ul style="list-style-type: none"> (a) Structures and activities occupying space in the coastal marine area shall be established and operated in a manner that maximises public use and access, except where public access is inappropriate. (b) Structures and activities occupying space in the coastal marine area should not unnecessarily restrict or prevent other uses of space within the coastal marine area.
5. Aquaculture activities	A precautionary approach shall be adopted to development of aquaculture activities within Aquaculture Management Areas to ensure that the erection, placement, use of, and occupation of space by structures associated with aquaculture activities in the coastal marine area avoid, as far as practicable, any adverse effects (including cumulative effects) on the coastal environment. Where complete avoidance is not practicable, adverse effects should be remedied or mitigated.
6. Coastal hazards	<ul style="list-style-type: none"> (a) Structures in the coastal marine area should not be located in, or adjacent to areas that are, or are likely to be, subject to coastal erosion, unless: <ul style="list-style-type: none"> (i) it is for a temporary activity and/or (ii) it protects or enhances natural buffers between existing development and the sea and (iii) it presents a less than minor risk of exacerbating coastal erosion or inundation. (b) Structures should only be used to mitigate coastal hazards when: <ul style="list-style-type: none"> (i) it is the best practicable option and (ii) no other non-structural alternative is effective or feasible to reduce coastal hazard risk and (iii) the structure is to serve a use with a functional need in the coastal marine area or is to protect existing development and network utility operations from current erosion or inundation risks and (iv) the structure is to be located and designed so as to avoid adverse environmental effects to the greatest extent practicable, particularly effects on coastal processes and natural character.

3. Assessment of Environmental Effects (AEE)

Please try and add a sentence or two about each of these points

- The actual or potential effects of your proposed discharge to the CMA on the environment? You can comment on positive effects, as well as possible adverse/negative effects.

Have a think about:

- How will the proposed structure/occupation of space disturb the existing habitat, and how will it affect the ability of aquatic life to live there?
 - Is the area used for recreational activities, i.e. swimming, canoeing, fishing? How will the works affect public access and recreational activities to the area?
 - Is the area used for any commercial activities and/or is there any infrastructure for community services in the vicinity of your proposed site?
 - Are there any areas of particular natural character, aesthetic, or amenity value in the vicinity of the proposed works? Will the proposed works impact on those values?
 - Are there any potential coastal hazard risks?
 - Are there any sites of particular cultural, spiritual, historic value nearby, i.e. waahi tapu, archaeological sites? How the proposed structure and/ or works affect those valued sites?
 - Is food gathered from the in the vicinity of your proposed site? Will your activity potentially effect the quantity or quality of the food?
 - Will the proposed structure impact amenity, social, recreational and cultural values associated with the CMA?
 - Are there any waahi tapu or other significant cultural sites at/ near your proposed structure? Will your proposed structure impact the values associated with those sites?
- Information about anything you intend to do to try and help reduce the effects that your structure/ occupation of space in the CMA could have on the environment.
 - Details of any alternative methods of construction and/or structure design or alternative sites you have thought about for the activity. Why do you consider that your proposal is the best practicable option? Does your activity have a functional need to be located in the CMA?
 - Details of anyone you have talked to about your proposed discharge because you think the activity might affect them, including if you have notified a Customary Marine Title applicant group about the application.

If you have questions about what to provide, or want to arrange a meeting to discuss your application - before you formally lodge it with HBRC - contact the Consents Advisor on 06 833 8090.