

ATTACHMENT 28

New Zealand Coastal Policy Statement Assessment

Overall, the proposal is considered consistent with the objectives and policies of the NZCPS. The proposal meets the requirements of the NZCPS by providing marine infrastructure that supports the social, economic and cultural wellbeing of the community and is able to manage any adverse effects of on the coastal environment adequately.

The following activities which either form part of the proposal or will potentially affect parts of the coastal environment are considered in the assessment of the NZCPS:

- CMA investigations
- Occupation
- Marine and port activities
- Wharf extensions, new structures and buildings, berthage facilities (piles, pontoons)
- Piled breakwaters
- Dredging and potential contamination
- Dredge Disposal
- Wave attenuation devices
- Infrastructure and services
- Public access to and along the water's edge
- Hydrodynamics – harbour flushing and wave modelling
- Water quality and ecology
- Sedimentation
- Sea level rise

The construction of the proposed wharves, buildings and other structures within the CMA together with dredging activities will have an impact on coastal processes and the coastal environment. However, the effects of these activities are considered to be acceptable within the occupation permit areas of this modified coastal environment. The proposed structures have a functional need to be located in the CMA and will also provide for public access to and along the water's edge. The NZCPS allows for activities within the coastal environment that enable better outcomes for the social, economic and cultural wellbeing of the community. The NZCPS also provides for activities that are unable to be located anywhere other than within the coastal environment. The effects of the proposed works will alter the character of the coastal environment in a manner provided for by the relevant planning documents, in particular the proposed works will not protrude beyond the existing City Centre waterfront morphometry or the boundaries of the waterfront precincts/port management areas.

The area of the proposed works already falls within existing coastal occupation permits apart from a small slither of waterspace proposed alongside base 2. As a result, there are existing controls over the waterspace proposed to be utilised for the AC36 bases.

There is a high level of consistency with the objectives and policies of the NZCPS and the proposed development for the reasons set out below and as summarised in the AEE.

Objectives

Objective	Assessment
<p><i>“Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> <i>• maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</i> <i>• protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and</i> <i>• maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.”</i> 	<p>In order to analyse the proposal against this objective, the applicant has commissioned a technical report from Beca which assesses coastal processes and dredging effects from the proposed development. In addition to this, the applicant has commissioned an Environmental Report from Golder Associates. The Golder report specifically considers ecological effects from the proposed development. The reports confirm that the Wynyard Basin area is subject to inter-tidal flows which flush the marina and aid in maintaining ecosystems and water quality. The tidal flows also prevent high levels of sedimentation from occurring.</p> <p>Beca have undertaken a harbour hydrology analysis and have advised that any alterations to tidal flushing spreads and sedimentation potential will still maintain an acceptable harbour flushing time of approximately 4-6 days. This timeframe is an internationally accepted flushing time for a harbour locality of this nature.</p> <p>As a result the proposed waterspace structures will not significantly impact the harbour hydrology of the Viaduct Harbour water space or the Wynyard Wharf South water space. In particular, the inner Viaduct Harbour water space flushing time is considered to remain within the ‘good’ category for harbour flushing times and is therefore considered acceptable.</p> <p>The technical reports advise that the ecology of the area comprises the following:</p> <ul style="list-style-type: none"> • organisms of the seabed; • biota inhabiting seabed sediment; • fauna inhabiting varied manmade structures; • seabirds;

- marine mammals.

Examples of the above include barnacles, oysters, green algae, periwinkles, seasquirts, chitons, black sea slugs, sponges, paddleweed and mussels. On the western side of Wynyard Precinct and within Westhaven Marina there are also white fronted terns, red billed gulls, dolphin sightings, a leopard seal sighting, New Zealand fur seals and a killer whale sighting. The proposed development will not create lasting adverse effects on this marine life and any temporary effects are also concluded as being minor.

The Wynyard Basin area has been modified over a number of years since first being established and cannot be considered natural with respect to maintaining natural features or characteristics of the coastal environment. The locality is not a pristine natural coastal environment such as parts of the Hauraki Gulf islands and other parts of the Waitemata Harbour coast. Regardless, it is appropriate to analyse the effects of the proposed development on the integrity, form, functioning and resilience of the coastal environment and its ecosystems.

The technical reports confirm that the proposed development, particularly in regard to the impacts on the seabed and water quality of the locality, can accommodate the proposed development without significantly altering the ecology, habitats or water quality of this locality.

The natural condition of this part of the coastal environment includes the effects created by human intervention. As a result, the effects on ecology, habitats and water quality need to be considered against this context and are considered to be appropriate as they are consistent with the modified receiving environment in which they will be located.

<p>Overall, the technical reports conclude that the application will result in acceptable effects when considered against the background of the existing environment.</p>
<p>The expansion of the existing wharfs and the proposed activities/structures/buildings are consistent with the uses that are already provided for within the locality and which are anticipated by the relevant planning documents (AUP Waterfront Precincts/ARP:C Port Management Areas). The key objective of the project is to provide for the America’s Cup syndicate base infrastructure and berthage. This application provides for that outcome in a manner that is appropriate for this locality.</p> <p>Objective 2 relates to the preservation of natural character of the coastal environment and the protection of natural features and landscape values. In relation to this application, it is important to note that there are no areas of outstanding or high natural character that will be affected by the proposed development. The existing natural character, natural features and landscape values of this area are described in detail in the existing environment section of the AEE and the character and amenity effects section of the AEE. The analysis in these sections confirms that the character of the coastal environment is highly modified. This is supported through the analysis undertaken in the Urban Design Report and the Landscape and Visual Effects Report prepared by McIndoe Urban Design and Boffa Miskell respectively. Regardless of the human intervention into this part of the coastal environment, the proposal seeks to create traditional wharf type structures with exterior piles and depth to the wharf in order to create a shadow over the waterspace as opposed to a structure which has flat concrete edges as these are more reminiscent of higher levels of significant human intervention.</p> <p>The proposed development is considered to accord with this objective.</p>

<p><i>“Objective 2</i> <i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> • <i>recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i> • <i>identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i> • <i>encouraging restoration of the coastal environment.”</i>
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<p><i>“Objective 3</i></p> <p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> <i>• recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> <i>• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> <i>• incorporating mātauranga Māori into sustainable management practices; and</i> <i>• recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.”</i> 	<p>The coastal environment is a natural resource of high value to tangata whenua, the protection of which is identified in the Treaty of Waitangi. Consultation with iwi is being undertaken by Panuku through its mana whenua consultation forum. This consultation is ongoing and iwi values and any areas of concern are being taken into consideration.</p> <p>Panuku has also undertaken consultation requirements required under the MACA Act and has written to all iwi that have applied for customary title of the coastal marine area of the Waitemata Harbour.</p> <p>Panuku have undertaken meaningful relationships and interactions between tangata whenua, however this will inevitably not satisfy all iwi with an interest in Tamaki Makaurau. The Auckland Unitary Plan specifically does not identify any sites or areas of significance to iwi within the proposed development area around Wynyard Basin.</p>
<p><i>“Objective 4</i></p> <p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> <i>• recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i> <i>• maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i> <i>• recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.”</i> 	<p>It is acknowledged that the coastal environment is a significant public water space and the proposal provides new areas of public access to and along the water’s edge of the new wharf structures that are proposed to be constructed from Hobson Wharf and the HSEW/WVW. It is noted that public access is not proposed for Bases 6, 7 and 8 on Wynyard Wharf, owing to the proximity of the bulk liquids industry and the public safety and security issues that arise therefrom. One of the key elements of the AC36 application is to enable as much public access to and around the syndicate base buildings and possible. This is achievable given that there is less secrecy around boat designs (as all boats will feature the same design) than previous regattas.</p> <p>On occasions, for safety and security reasons, there will be the need to temporarily close public access to and around the water’s edge and the syndicate bases. This may occur</p>

when the race yachts are being placed in the water or taken out of the water or when specific repair and maintenance requirements need to be undertaken and/or specific delivery requirements. However, in terms of general delivery, these will be undertaken outside of normal public usage hours in order to minimise obstructions on the general public to access the coastal edge.

In terms of sea level rise and coastal inundation, Beca have specifically addressed this matter within their technical reports. The proposed wharf additions will be located at the same level as the existing wharf structures, but have been designed to address future coastal hazards. This will mean that the wharf levels will require future monitoring to ensure coastal hazard risks are appropriately managed.

However, given that the proposed buildings will be used for boat repair and maintenance and not for accommodation (residential or commercial) purposes, this is considered acceptable. The Beca report also confirms that the sea levels over the next 100 years are monitored and that the wharf additions are constructed in a manner where their floor levels can be increased over the next 40-60 years (the projected life of the wharf structures) in order to ensure current sea level and storm surge requirements are taken into account.

The aim of the proposal is to provide suitable syndicate bases and berthage for the America’s Cup 36 regatta. The proposal will also provide access to the coastal edge for visitors, occupants and tourists to the area. The proposal will also facilitate positive effects for the recreational boating public who will still have access to this water space without significantly compromising existing navigational potential.

“Objective 5
To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;*
- considering responses, including managed retreat, for existing development in this situation; and ;*
- protecting or restoring natural defences to coastal hazards.”*

“Objective 6
To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.”*

Given the highly modified nature of the environment and the objectives of the Waterfront Plan, the location for the proposed works is considered to be appropriate and complementary to the planning approach set out in the relevant regulatory documents. Therefore, the proposed works are considered to provide for and enable people and communities to provide for their social, economic and cultural wellbeing and for the health and safety through use and development in an appropriate place and will result in structures and building within appropriate limits. The AUP and ARP:C provide for appropriate development that has a functional and operational need to be located in the coastal environment. This development is considered to be complementary to that objective.

There are no items of historic heritage in the coastal environment that would be effected by the proposed development given the previous dredging and construction works that have been undertaken in this area and the fact that there are no identified scheduled or historic items, it is not considered that historic heritage will be adversely affected or vulnerable to loss.

Policies

Policy	Assessment
<p><i>“Policy 1</i> <i>Extent and characteristics of the coastal environment</i> <i>(1) Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</i> <i>(2) Recognise that the coastal environment includes:</i> <i>(a) the coastal marine area;</i></p>	<p>The proposal requires the use of natural resources (coastal environment) to provide for the AC36 activities that will benefit the wider community. The proposed modification of the coastal environment will occur in an already heavily modified area which is considered able to accommodate the proposed wharf extensions and buildings. The activities proposed, being marine and port activities associated with boat repairs and maintenance and storage is consistent with the relevant planning provisions that apply</p>

- (b) islands within the coastal marine area;*
- (c) areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;*
- (d) areas at risk from coastal hazards;*
- (e) coastal vegetation and the habitat of indigenous coastal species including migratory birds;*
- (f) elements and features that contribute to the natural character, landscape, visual qualities or amenity values;*
- (g) items of cultural and historic heritage in the coastal marine area or on the coast;*
- (h) inter-related coastal marine and terrestrial systems, including the intertidal zone; and*
- (i) physical resources and built facilities including infrastructure, that have modified the coastal environment”*

and will result in minor to moderate visual amenity effects on the locality. The proposal will however result in visually coherent additions into this part of the CMA. The provision of additional areas of public access to and along the water’s edge will also provide public and community benefits arising from the proposal.

In terms of coastal processes, tidal areas and inner harbour marinas, the proposed wharf additions and wave attenuation structures will affect the time within which parts of the inner Viaduct Harbour will flush, the Beca report confirms that the harbour flushing will still retain a fair outcome in terms of the sliding scale of good, fair and poor. The reports also recommend additional mitigation measures such as water quality monitoring and refuse removal and maintenance in order to ensure that quality character of the inner Viaduct Harbour Marina is maintained.

As noted above, the proposal will also maintain the ecology of the area to a level that currently exists. It is noted that the new structures proposed within the CMA will provide in the future new habitats for ecological organisms to develop and establish.

In terms of water quality, the Coastal Environmental Effects Report confirms that the water quality within the area is similar to the Chelsea Sugar Refinery which is considered to be excellent based on the Water Quality Index developed by the Canadian Council of Ministers for the Environment. The proposed development is not considered to create noticeable adverse effects in water quality.

“Policy 2

The Treaty of Waitangi, tangata whenua and Māori heritage
In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

Refer objective 3 for summary.

In addition, there are is no iwi management plan relating to this specific development area. Further, there will be no impact on fisheries resources as a result of the application.

(e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and

(i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and

(ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;

(iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing; and

(g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:

(i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and

(ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.”

“Policy 3

Policy 3 Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

The proposal adopts a precautionary approach through the harbour modelling, geotechnical assessment and engineering assessments of the effects of the proposed expansion into the coastal environment. These reports provide more knowledge as to the behaviour of the harbour specifically regarding climate change, sea level rise and coastal inundation in order to ensure that adjustments to the proposal are made to accommodate for such events.

<p><i>(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</i></p> <p><i>(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations</i></p>	<p>The technical reports that have been undertaken have provided a certainty and knowledge that is needed in order to understand adverse effects on the coastal environment.</p>
<p><i>“Policy 4</i> <i>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</i></p> <p><i>(c) particular consideration of situations where:</i></p> <p><i>(i) subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or</i></p> <p><i>(ii) public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or</i></p> <p><i>(iii) development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or</i></p> <p><i>(iv) land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</i></p> <p><i>(v) significant adverse cumulative effects are occurring, or can be anticipated.”</i></p>	<p>The proposal will result in development that adjoins existing land but also traverses the coastal marine area. This is particularly so for Syndicate Bases 6, 7 and 8 which will adjoin Brigham Street, cross the water space to the east of Brigham Street and adjoin Wynyard Wharf which is further east. In this particular area the proposal will be designed in a comprehensive and integrated manner and will involve earthworks, contamination management and groundwater diversion in addition to a wharf structure being constructed from the land to Wynyard Wharf and then connected to the wharf.</p> <p>Development in this area will cross the line of mean high water springs and will require specific construction techniques and methodologies. These are set out in the Coastal Processes Report and the Base Infrastructure Report, both prepared by Beca. Development within this area will also need to be designed in an integrated manner alongside the bulk liquids industry in order to ensure environmental risk measures are appropriately provided for.</p> <p>The proposal will also result in wharf extensions over water space that is currently utilised by both recreational and commercial vessel owners. The water space is also utilised by ferries, maritime enforcement vessels, navy vessels and coastal tankers among others. However, the wharf additions will not result in outcomes that will adversely affect public use and enjoyment of the coastal environment as vessels will still</p>

be able to pass in and around the water space and will have the added element of interest associated with the America's Cup bases.

In terms of discharges into the coastal marine area, water quality and/or sedimentation, these have been analysed in the technical reports provided with the application. The proposed wharf additions will feature stormwater filter cartridges which will filter contaminants from stormwater prior to entering the coastal marine area. The stormwater cartridges are subject to regular maintenance and monitoring requirements and are regularly cleaned in order to ensure their ongoing effective operation. In terms of existing discharges into the Wynyard Basin, the technical reports advise that water quality within the Wynyard Basin area is of good quality and it is not expected that the proposed development will significantly alter this. In terms of the Wynyard Precinct land base developments, the charges into the Viaduct Harbour from stormwater pass through rain gardens and also have contaminants removed prior to stormwater discharging into the CMA.

The technical reports have also assessed the effects on ecosystems through potential increased sedimentation and have concluded that sedimentation levels will not create or result in adverse effects that require significant intervention other than regular dredging in order to maintain draft depths. In terms of cumulative effects, there have been no wharf additions in this part of the city centre waterfront since the 2000/2003 America's Cup event. It is noted that wharf additions are carefully considered and have not been proposed except in instances where there is a functional or operational need to create wharf space, berthage and calm water for vessels such as America's Cup yachts. It is also noted that the proposed wharf additions are within the boundaries of the waterfront precincts and wharf management areas identified in the relevant

	<p>planning documents. As a result, it is not considered that the proposal will result in significant adverse cumulative effects occurring.</p>
<p><i>“Policy 5 Land or waters managed or held under other Acts</i></p> <p><i>(1) Consider effects on land or waters in the coastal environment held or managed under:</i></p> <p><i>(a) the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or</i></p> <p><i>(b) other Acts for conservation or protection purposes; and, having regard to the purposes for which the land or waters are held or managed:</i></p> <p><i>(c) avoid adverse effects of activities that are significant in relation to those purposes; and</i></p> <p><i>(d) otherwise avoid, remedy or mitigate adverse effects of activities in relation to those purposes.</i></p> <p><i>(2) Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection”</i></p>	<p>In terms of policy 5, the proposed Hobson Wharf extension and breakwater is located within the Prince’s Wharf water space leased area. A review of this lease confirms that the wharf extension and breakwater can be accommodated within the water space. There is sufficient water space and manoeuvring area available for vessels wishing to berth alongside Prince’s Wharf in the manner that they currently do. This process is not expected to be affected by the proposed AC36 base application. Alongside the Prince’s Wharf water space, is the Auckland Maritime Museum Trust Board water space. This water space will benefit from the proposed pile breakwater and wave panels by providing detailed analysis of the requirements for calm water within the Hobson Wharf water space. There will be positive amenity outcomes for this part of the city centre water space as a result of this application.</p> <p>In terms of other occupation permits, the proposed development will fall within existing occupation permits apart from a small slither of water space alongside the eastern edge of Base 2. As part of this application it is proposed to apply for the occupation of that water space as well as renew some existing occupation permits within the vicinity of the Hobson Wharf extension in order to provide a more rational occupation permit boundary than currently exists.</p> <p>Additionally, under the Auckland Local Government Amendment Act, the Waterfront Plan is a document prepared under the Auckland Plan which is a statutorily required document under this Local Government Amendment Act. As a result, there is a regulatory basis for the formation of the Waterfront Plan and it is articulated in this plan that the Wynyard Basin water space is to be utilised for water based events within this part of the city centre waterfront. One of the key reasons being that this area is</p>

	<p>identified as the recreational or tourism/events based location along the waterfront owing to its calm waters and sheltered water space as opposed to the remainder of the waterfront which is mainly dominated by open water space and rougher waters.</p>
<p><i>“Policy 6 Activities in the coastal environment</i></p> <p><i>(1) In relation to the coastal environment:</i></p> <p><i>(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i></p> <p><i>(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</i></p> <p><i>(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</i></p> <p><i>(d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them;</i></p> <p><i>e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;</i></p> <p><i>(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;</i></p> <p><i>(g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;</i></p> <p><i>(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</i></p>	<p>The proposal will not result in infrastructure, the transmission of electricity or the extraction of minerals. It is proposed to create localised infrastructure such as stormwater, wastewater, water supply, telecommunications and electricity to the wharf extensions and to their syndicate bases and public amenity features such as lighting on the wharfs. This infrastructure will be located primarily beneath the wharfs and will not result in significant structural elements that require public benefit effects in order to justify their location within the coastal marine area.</p> <p>In terms of adverse visual impacts, as this area is not considered to be sensitive to such effects (such as headlands and prominent ridgelines), there is no specific need to avoid, as far as practicable and reasonable, or apply conditions or controls to avoid these effects. Having said that, the proposal has been designed in a way to reduce, as far as practicable, visual amenity effects and coastal character effects from the development of wharf structures and ancillary coastal marine area structures and the syndicate base buildings. In terms of the base buildings, these have been designed to provide separation between the bases and modulating and alternating roof heights in order to enable some views through the gaps in the buildings and the modulated roof forms as opposed to a solid wall of monolithic boat shed structures.</p> <p>Further, the proposed activities have a functional need to be located in the coastal marine area and it is considered that these activities and structures are proposed in appropriate places along the city centre waterfront.</p>

<p><i>(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</i></p> <p><i>(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</i></p> <p><i>(2) Additionally, in relation to the coastal marine area:</i></p> <p><i>(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations:</i></p> <p><i>(b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</i></p> <p><i>(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</i></p> <p><i>(d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</i></p> <p><i>(e) promote the efficient use of occupied space, including by:</i></p> <p style="padding-left: 40px;"><i>(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;</i></p> <p style="padding-left: 40px;"><i>(ii) requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</i></p> <p style="padding-left: 40px;"><i>(iii) considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay”</i></p>	<p>It is considered that the proposal promotes the efficient use of water space proposed to be occupied as structures, i.e. the proposed buildings are to be made available for activities that enable interaction with the public or multiple uses wherever reasonable and practicable. In this regard it is proposed that only Base 1 will be a permanent building and Bases 2-8 will be temporary buildings with a maximum consent period of ten years. However, should the structures not be needed at any stage during that ten year period, they will be made available for alternative and multiple uses. Ultimately after the ten year period or prior, it is proposed that Syndicate Bases 2-8 are removed. The architectural design of the bases is proposed to be of modular construction so that the buildings are able to be dismantled and reused elsewhere if appropriate.</p>
<p><i>“Policy 7 Strategic planning</i></p> <p><i>(1) In preparing regional policy statements, and plans:</i></p> <p style="padding-left: 40px;"><i>(a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and:</i></p>	<p>The proposal does not involve strategic planning, although it is noted that the Auckland Unitary Plan and the Auckland Regional Plan Coastal provide for use and development of this water space within the relevant precinct and port management area provisions.</p>

<p><i>(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</i></p> <p style="padding-left: 40px;"><i>(i) are inappropriate; and</i></p> <p style="padding-left: 40px;"><i>(ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</i></p> <p><i>(2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.”</i></p>	<p>The proposal is considered to be provided for within the policy and rule framework set out in those documents.</p>
<p><i>“Policy 8</i></p> <p><i>Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:</i></p> <p style="padding-left: 40px;"><i>a. including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:</i></p> <p style="padding-left: 80px;"><i>i. the need for high water quality for aquaculture activities; and</i></p> <p style="padding-left: 80px;"><i>ii. the need for land-based facilities associated with marine farming;</i></p> <p style="padding-left: 40px;"><i>b. taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and</i></p> <p style="padding-left: 40px;"><i>c. ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.</i></p>	<p>No aquiculture is existing or proposed within the water space subject to this application.</p>
<p><i>“Policy 9</i></p> <p><i>Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:</i></p>	<p>This proposal does not relate to the development of an existing or new port. It is noted however that Wynyard Wharf is utilised for existing port activities including the loading and unloading of bulk liquids, berthage for larger scale vessels including navy vessels and</p>

<p>a. <i>ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and</i></p> <p>b. <i>considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.</i></p>	<p>larger superyachts as well as vessels carriers. The navigation report prepared for the application sets out to ensure that the proposed development does not adversely affect the safe and efficient operation of ports or their connections with other transport modes.</p> <p>Further, given that Wynyard Wharf is a dangerous goods wharf, an environmental risk analysis has been prepared to advise on how the changes to Wynyard Wharf can be accommodated without significantly affecting the operational requirements of that wharf. The northern half of the wharf will be retained for port related activities and it is considered that these will be able to operate from that portion of the wharf, including the large coastal tanker berthage requirements that are needed for operational purposes. It is noted that Sealink ferry operation will be relocated from the southern third of Wynyard Wharf and the adjoining water space to the western side of Wynyard Precinct to new berthage, ramp and on land activities. These are subject to a separate application which is to be lodged in conjunction with the America’s Cup 36 syndicate base application.</p>
<p><i>“Policy 10 Reclamation and de-reclamation</i></p> <p><i>(1) Avoid reclamation of land in the coastal marine area, unless:</i></p> <p style="padding-left: 40px;"><i>(a) land outside the coastal marine area is not available for the proposed activity;</i></p> <p style="padding-left: 40px;"><i>(b) the activity which requires reclamation can only occur in or adjacent to the coastal marine area;</i></p> <p style="padding-left: 40px;"><i>(c) there are no practicable alternative methods of providing the activity; and</i></p> <p style="padding-left: 40px;"><i>(d) the reclamation will provide significant regional or national benefit.</i></p> <p><i>(2) Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design have particular regard to:</i></p> <p style="padding-left: 40px;"><i>(a) the potential effects on the site of climate change, including sea level rise, over no less than 100 years;</i></p>	<p>No reclamation or de-reclamation is proposed as part of this application.</p>

(b) the shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast;

(c) the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area;

(d) providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in policy 19;

(e) the ability to remedy or mitigate adverse effects on the coastal environment;

(f) whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and

(g) the ability to avoid consequential erosion and accretion, and other natural hazards.

(3) In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.

(4) De-reclamation of redundant reclaimed land is encouraged where it would:

(a) restore the natural character and resources of the coastal marine area; and

(b) provide for more public open space.”

“Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

(a) avoid adverse effects of activities on:

- (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - (v) areas containing nationally significant examples of indigenous community types; and*
 - (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation;*
- and*

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:

- (i) areas of predominantly indigenous vegetation in the coastal environment;*
- (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
- (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
- (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- (v) habitats, including areas and routes, important to migratory species; and*
- (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy”*

The Wynyard Basin area does not include indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System. Further, there are no areas of predominant indigenous vegetation in the coastal environment or habitats that are important during vulnerable life stages of indigenous species. As noted above, the ecology of the area comprises mainly organisms in the sea bed, biota inhabiting seabed sediment, fauna inhabiting varied manmade structures, seabirds and marine mammals. The proposed works which involve dredging, wharf construction and coastal structures are common within this part of the city centre waterfront and have not resulted in significant adverse effects on the ecology of the area. As a result there are no anticipated changes resulting from the proposal to any indigenous biodiversity and natural character of the coastal environment.

Restoration of the natural character of the site is not a practicable option as the Wynyard Basin has been modified a number of times over many years and is now representative of a highly modified coastal environment. Therefore consideration of preservation and restoration needs to be considered in the context of a highly modified land form. Having noted that, it is considered that the proposed development is acceptable within the context of this part of the city centre waterfront environment.

<p><i>“Policy 12</i></p> <ol style="list-style-type: none"> 1. <i>Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms² to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring.</i> 2. <i>Recognise that activities relevant to (1) include:</i> <ol style="list-style-type: none"> a. <i>the introduction of structures likely to be contaminated with harmful aquatic organisms;</i> b. <i>the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land;</i> c. <i>the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and</i> d. <i>the establishment and relocation of equipment and stock required for or associated with aquaculture.</i> 	<p>There are no harmful aquatic organisms identified within this area. The proposed development will not result in the introduction of structures likely to be contaminated with harmful aquatic organisms and discharges of stormwater will also not result in such organisms being introduced to this area. The proposal will result in industry standard accepted practices for discharges from vessels, maintenance and cleaning of vessels, and the maintenance of moorings and berths such that harmful aquatic organisms will not be introduced into this part of the CMA.</p>
<p><i>“Policy 13 Preservation of natural character</i></p> <p><i>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</i></p> <ol style="list-style-type: none"> <i>(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</i> <i>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:</i> <i>(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and</i> <i>(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.</i> <p><i>(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</i></p>	<p>The proposal has been subject to a detailed Landscape and Visual Effects Assessment prepared by Boffa Miskell and an Urban Design Report prepared by McIndoe Urban. Whilst it is recognised that the proposed works will be undertaken in a highly modified part of the coastal environment, the Landscape and Visual Effects Assessment recognises that the existing landscape context of the proposal is characterised by maritime and recreational activities centred around the Viaduct Harbour and Wynyard Basin areas. There are a wide mix of uses surrounding this area and an important element of this assessment and the determination of natural character, landscape and visual effects, is the highly used and valued public access to water space and the visual connection with the wider Waitemata Harbour. In terms of other natural character elements, it is noted that the proposed development area is not a pristine coastal environment such as one may experience in the outer Hauraki Gulf islands or on undeveloped parts of New Zealand’s coastline.</p>

- (a) natural elements, processes and patterns;*
- (b) biophysical, ecological, geological and geomorphological aspects;*
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- (d) the natural movement of water and sediment;*
- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting*

The current character of the area comprises a high number of manmade public open space areas and public access to the coastal edge. These include the Eastern Viaduct, Te Wero Island, the Wynyard Crossing, the Halsey Street Extension Wharf, the Western Viaduct Wharf, North Wharf and the Viaduct Events Centre. In addition to these are the public promenades and public open spaces within the Viaduct Harbour Precinct and the Wynyard Precinct. There are a wide variety of views from these public open spaces to the coastal environment and the coastal marine area and the visual connection between these places is an important element to occupants and visitors of this locality. In order to analyse and understand the change in this relationship it is important to understand that there will be both temporary activities and permanent activities proposed as part of the development. It is noted that the wharf extensions and Syndicate Base 1 as well as the piled breakwaters will be permanent activities while Syndicate Bases 2-8 will be temporary activities which are proposed to be in place for no longer than ten years.

The design, form and character of the wharf extensions will be consistent with existing wharfs on the Western Viaduct Wharf and Hobson Wharf. The proposed buildings and public space will be developed and designed in accordance with design guidelines which are submitted as part of the resource consent application and are proposed to be conditions of any consent granted.

The proposed development has been assessed from a broad range of public and private viewpoints. These have been selected from a range of viewpoints within the immediate and wider locality and photo simulations have been prepared in order to assess the change in character that will result from the proposed development. In terms of natural character, it is concluded that the proposal will have very low adverse effects on the level of naturalness for the Wynyard Basin. In relation to the perceived level of

naturalness, there would be a low to moderate adverse effect within the Freemans Bay area for the period that Bases 2-8 are in place and a low adverse effect once the buildings are removed. In terms of landscape effects, the reports conclude that the resulting effect on Wynyard Basin would be low to very low adverse effects on the landscape features within Freemans Bay, Viaduct Basin and Wynyard Basin. This is in relation to the recognition of the modified character of the existing landscape.

In summary, it is recognised that the proposed development area is not categorised as an area of outstanding or high natural character. The proposed wharf, coastal structures and building additions are considered to be visually coherent with existing development within this part of the waterfront and consistent with the city centre waterfront morphometry. The relevant planning documents, including the Unitary Plan and the Coastal Plan, have not mapped any areas of natural character that require specific consideration as part of any redevelopment of this part of the waterfront. The viewpoint analysis undertaken in the Landscape and Visual Effects Assessment has analysed the location and audience of each of the 32 viewpoints and has assessed the current view from those viewpoints and, where there is potential impact from any of the viewpoints identified, the analysis has summarised the key changes resulting from the proposal. Following this analysis, an assessment is made as to the visual effects during construction, during the event and following the event. In all of the assessments, the resulting conclusion of effects has been within the range of moderate to low adverse effects to very low adverse effects. From a landscape effects perspective, the effects have ranged from neutral to moderate beneficial effects, and from low to very low adverse effects to moderate adverse effects.

Overall, whilst there will be some change to the character of the local and wider environment, it is concluded that the purpose of this policy which relates to the

preservation of natural character, will not be eroded or compromised to an extent which compromises the overall outcomes envisaged by Policy 13.

In terms of subsection 2 of Policy 13, this recognises that there are other elements to the coastal environment such as natural features and landscapes and amenity values which are not the same as natural character and these are assessed in other sections of this assessment of the Coastal Policy Statement.

This policy relates to the restoration of natural character and seeks to promote restoration or rehabilitation of the natural character of the coastal environment. Following the dredging of parts of the harbour to create the required boat draft depths, the proposed development will result in new coastal structures such as piles and wharfs as well as breakwaters and wave panels which will act as new habitats for ecosystems and crustaceans as well as oyster and mussel habitats. It is also proposed that any discharges into the coastal marine area from the new wharf structures will pass through filtration devices before being discharged. This will remove contaminants from stormwater and result in neutral change to this part of the coastal marine area.

There are no significant indigenous habitats or ecosystems that will be affected by the proposal or indigenous species or the need for effective weed management or animal pest management that will require mitigation as part of this application. There are no natural coastal features or processes that will be affected to an extent that requires significant mitigation. However, it is noted that monitoring will be undertaken in terms of water quality, in order to ensure that the water quality of the inner and outer harbour areas remain the same or are improved as a result of this proposal.

Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by:

(a) identifying areas and opportunities for restoration or rehabilitation;

(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;

(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:

- (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or*
- (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or*
- (iii) creating or enhancing habitat for indigenous species; or*
- (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or*
- (v) restoring and protecting riparian and intertidal margins; or*
- (vi) reducing or eliminating discharges of contaminants; or*
- (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or*

<p><i>(viii) restoring cultural landscape features; or</i></p> <p><i>(ix) redesign of structures that interfere with ecosystem processes; or</i></p> <p><i>(x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</i></p>	
<p><i>Policy 15 Natural features and natural landscapes</i></p> <p><i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</i></p> <p><i>(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and</i></p> <p><i>(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:</i></p> <p><i>(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:</i></p> <p><i>(i) natural science factors, including geological, topographical, ecological and dynamic components;</i></p> <p><i>(ii) the presence of water including in seas, lakes, rivers and streams;</i></p> <p><i>(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;</i></p> <p><i>(iv) aesthetic values including memorability and naturalness;</i></p> <p><i>(v) vegetation (native and exotic);</i></p> <p><i>(vi) transient values, including presence of wildlife or other values at certain times of the day or year;</i></p> <p><i>(vii) whether the values are shared and recognised;</i></p> <p><i>(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;</i></p> <p><i>(ix) historical and heritage associations; and</i></p> <p><i>(x) wild or scenic values;</i></p>	<p>In terms of the effect on natural features and natural landscapes (including seascapes) in the coastal environment, it should be noted that the proposed development will not be located in any areas of high or outstanding natural features or landscapes. The Unitary Plan and the Operative Coastal Plan do not identify such features within the vicinity of the proposed development works. As noted earlier, the works will occur in parts of the city centre waterfront that are within existing precinct boundaries or port management areas and protrude less into the harbour than existing reclamations or wharfs on either side.</p> <p>Having said that, the proposal has been developed so that intrusion into the coastal management area by additional wharf features and breakwaters, and development above the wharf elements, is reduced as far as is practicable. The proposed works will facilitate syndicate bases for the America’s Cup 36 regatta and have a functional need to be within the coastal environment. Furthermore, the establishment of syndicate bases and the operation of a yachting race regatta within the coastal environment is an expected and anticipated part of the CMA and reflects the types of activity that would be undertaken within the coastal environment.</p> <p>The Landscape and Visual Effects Assessment considers the effects of the proposed development and event on the existing water space within Wynyard Basin. A number of photosimulations have been undertaken from the immediate and wider locality in order to assess the impact of the proposed works on the surrounding environment. The</p>

<p><i>(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and</i></p> <p><i>(e) including the objectives, policies and rules required by (d) in plans</i></p>	<p>photosimulations confirm that the proposal is generally acceptable from most viewpoints and that from some viewpoints, including Wynyard Crossing, Prince’s Wharf and the Viaduct Events Centre, that there will be low to moderate adverse effects as well as some positive effects while the event is in operation. There are no identified viewshafts or regionally significant viewshafts that will be impacted by the proposed development.</p> <p>Overall it is considered that the proposed works will be acceptable within the surrounding and existing landscape as the works will not protrude noticeably into the wider Waitemata Harbour or the navigation channel and will be constrained within the northern extent of the existing reclamation and wharf structures to the east and to the west and within the existing Waterfront Precinct and port management area boundaries.</p>
<p><i>Policy 16</i></p> <p><i>Protect the surf breaks⁸ of national significance for surfing listed in Schedule 1, by:</i></p> <ul style="list-style-type: none"> <i>a. ensuring that activities in the coastal environment do not adversely affect the surf breaks; and</i> <i>b. avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks</i> 	<p>There are no surf breaks of national significance that will be affected by the proposed development.</p>
<p><i>Policy 17</i></p> <p><i>Protect historic heritage² in the coastal environment from inappropriate subdivision, use, and development by:</i></p> <ul style="list-style-type: none"> <i>a. identification, assessment and recording of historic heritage, including archaeological sites;</i> <i>b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;</i> <i>c. initiating assessment and management of historic heritage in the context of historic landscapes;</i> <i>d. recognising that heritage to be protected may need conservation;</i> 	<p>There are no historic heritage items that will be affected by the proposed development or that will require identification or protection through this process.</p>

<ul style="list-style-type: none"> e. <i>facilitating and integrating management of historic heritage that spans the line of mean high water springs;</i> f. <i>including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;</i> g. <i>imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;</i> h. <i>requiring, where practicable, conservation conditions; and</i> i. <i>considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.</i> 	
<p><i>Policy 18 Public open space</i></p> <p><i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i></p> <ul style="list-style-type: none"> <i>(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i> <i>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i> <i>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i> <i>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i> <i>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i> 	<p>The proposal will include public access along the coastal edge of the proposed wharf extensions except for Wynyard Wharf. For the Western Viaduct Wharf extension, a 7m wide public accessway is proposed between Syndicate Bases 4 and 5. This will lead to a 10m wide public accessway along the northern edge of the Western Viaduct Wharf extension. On Hobson Wharf, access will be available to an informal public plaza area which will have access to the coastal edge and which will then access the northern edge of the Hobson Wharf extension via a 10m wide public walkway. These areas will have a direct interface with the America's Cup syndicate bases through glazed frontages and/or active uses that may enable public participation within the activities undertaken in the syndicate bases. This America's Cup will be different from other regattas in that there is less secrecy or privacy required around the boat designs as all boat designs will be standard. There will also be public views and potential access into the Cup base forecourt areas when they are not used for boat repair or servicing purposes.</p> <p>This form of public space and/or access is compatible and consistent with the character of the city centre waterfront and is similar to public access and public space provision in</p>

other nearby parts of the waterfront where access to wharf edges is available to the public subject to appropriate management procedures.

A public walking and access linkage plan between open spaces and along wharf edges has been provided within the urban design images submitted with the application and demonstrates a consistent approach to walking access linkages along the waterfront.

The overall design of the wharf extensions has been undertaken to enable ongoing monitoring and assessment over the next 100 years to provide for the likely impacts of coastal processes and climate change.

Refer above for assessment regarding walking access.

Policy 19 Walking access

(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.

(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:

- (a) identifying how information on where the public have walking access will be made publicly available;*
- (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
- (c) identifying opportunities to enhance or restore public walking access, for example where:*
 - (i) connections between existing public areas can be provided; or*
 - (ii) improving access would promote outdoor recreation; or*
 - (iii) physical access for people with disabilities is desirable; or*
 - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or*
 - (v) access to areas or sites of historic or cultural significance is important; or*

(vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.

(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:

- (a) to protect threatened indigenous species; or*
- (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or*
- (c) to protect sites and activities of cultural value to Māori; or*
- (d) to protect historic heritage; or*
- (e) to protect public health or safety; or*
- (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
- (g) for temporary activities or special events; or*
- (h) for defence purposes in accordance with the Defence Act 1990; or*
- (i) to ensure a level of security consistent with the purpose of a resource consent; or*
- (j) in other exceptional circumstances sufficient to justify the restriction.*

(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

“Policy 20 Vehicle access

(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:

- (a) damage to dune or other geological systems and processes; or*
- (b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or*
- (c) danger to other beach users; or*
- (d) disturbance of the peaceful enjoyment of the beach environment; or*
- (e) damage to historic heritage; or*

Vehicle access will be enabled over all three wharf extensions. The purpose of vehicle access will be to provide for goods and services required for the America’s Cup syndicate bases. This will be enabled via access over existing wharfs to the hardstand areas in front of each syndicate base. These areas will accommodate the more heavy vehicle movements including the vessels cranes. Other deliveries will occur towards the side or rear entrances of the buildings or along the public accessways during periods when it is not envisaged these will be used, for example in mornings or later at night subject to noise controls to not affect any sensitive uses in the vicinity.

<p><i>(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or</i></p> <p><i>(g) damage to sites of significance to tangata whenua; might result.</i></p> <p><i>(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.</i></p> <p><i>(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.”</i></p>	<p>For the bases on Wynyard Wharf, it is proposed that these will be serviced directly from Brigham Street which is a public road.</p> <p>There will also be servicing requirements for the revised berths and/or new berths that will be established as part of the application. These berths will have access from existing wharfs in the manner that access is presently undertaken, i.e. directly from the wharf edge via a variety of transport modes including private vehicles, vans, trucks and/or smaller buggy type vehicles.</p>
<p><i>“Policy 21 Enhancement of water quality</i></p> <p><i>Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:</i></p> <p><i>(a) identifying such areas of coastal water and water bodies and including them in plans;</i></p> <p><i>(b) including provisions in plans to address improving water quality in the areas identified above;</i></p> <p><i>(c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats;</i></p> <p><i>(d) requiring that stock are excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and</i></p> <p><i>(e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.”</i></p>	<p>In terms of water quality, the Environmental Assessment undertaken by Golder has assessed water quality within the vicinity of the proposed works. It is confirmed that water quality has not deteriorated and is not having a significant adverse effect on ecosystems, natural habitats or water based recreational activities. Existing activities in the vicinity such as water based events, recreational and commercial vessels and berthage, will continue to operate with the same level of amenity in terms of water quality as presently exist. The proposed wharf additions will feature stormwater filtration devices to ensure that any contaminants are removed from stormwater prior to discharge. There are two existing stormwater outfalls within the Wynyard Basin area, one at Halsey Street which discharges into Viaduct Harbour and one at the northern end of Daldy Street which discharges into North Wharf in the vicinity of the berths proposed on the northern side of the wharf. There are no identified issues associated with the Halsey Street stormwater discharge outlet as all stormwater passes through rain gardens prior to discharge. In terms of the Daldy Street discharge, this is a combined stormwater/sewer outlet and in periods of significant rainfall there can be incidents of overflow discharge into this part of the water space. The ecological report confirms that any additional discharge will return to within green mode guidance within several days.</p>

Over time there will be an upgrade to this system to separate the stormwater from the sewer at which point water quality in this area will be enhanced and such overflows will be avoided. However, this is a wider Auckland Council project issue and relating to its regional upgrade and separation of stormwater from sewer and will occur within a timeframe established for that work programme.

In order to assess the effects of potential sedimentation from the impacts of development proposed as part of this application, there has been detailed modelling of harbour flushing and wave behaviour undertaken. This has involved hydrodynamic modelling of tides and currents within the Waitemata Harbour as well as wind and wave effects based on climatic conditions in this part of Auckland. At present, low levels of sedimentation are experienced within harbour areas due to the nature of existing tides and currents. In the Wynyard Basin area, the more tranquil deepened basins will experience lower flow velocities which will tend to increase the potential for sedimentation. However, in order for this sedimentation to be realised, a source of sediment is required.

Sedimentation rates expected within the Wynyard Basin are within around 60mm per year on average with localised areas up to 140mm per year. For the outer Viaduct Harbour, the additional tranquillity and lower flow velocities caused by wave panels is expected to increase sedimentation rates up to 40-60mm per year compared with 36-55mm per year at present. The limited availability of sediment within these areas is considered to be a positive element in retaining sedimentation levels to a reasonably low level. The tables in the Beca Coastal Processes and Dredging Technical Report identify the difference in existing versus proposed sedimentation levels at various locations and the report confirms that the level of change will be no more than minor and that standard maintenance dredging, which is already undertaken within these

“Policy 22 Sedimentation
(1) Assess and monitor sedimentation levels and impacts on the coastal environment.
(2) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.
(3) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.
(4) Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.”

areas, will ensure that any effects of sedimentation do not create significant adverse environmental effects or effects that are other than minor.

The proposal is not expected to create adverse effects in terms of discharges of contaminants as the new wharf structures will be fitted with stormwater treatment devices which will filter out contaminants before being discharged into the CMA. Additionally, all materials proposed to be utilised in construction will be inert and will not create a potential source for contaminating coastal waters.

In terms of syndicate base operations, a 10m x 10m self bunded hazardous substance storage area will be located within each syndicate base. They will contain materials essential to boat repair and maintenance. As they are internally bunded they contain the required mitigation measures to ensure contamination is avoided from this source.

In terms of stormwater discharge, stormwater from the Halsey Street outfall is filtered via the raingardens within the Wynyard Precinct and therefore will not be a source of contamination. The outfall from Daldy Street to North Wharf is a combined stormwater/sewer and in times of heavy rainfall there are likely to be exceedances of the green mode guidance. It is likely to take several days before water quality returns to better than the guidance. However, this is an existing situation and the proposed additional structures are not expected to exacerbate the situation noticeably as the existing flushing time is expected to stay the same or improve.

“Policy 23 Discharge of contaminants

(1) In managing discharges to water in the coastal environment, have particular regard to:

- (a) the sensitivity of the receiving environment;*
- (b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and*
- (c) the capacity of the receiving environment to assimilate the contaminants; and:*
- (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;*
- (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and*
- (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.*

(2) In managing discharge of human sewage, do not allow:

- (a) discharge of human sewage directly to water in the coastal environment without treatment; and*
- (b) the discharge of treated human sewage to water in the coastal environment, unless:*
 - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and*
 - (ii) informed by an understanding of tangata whenua values and the effects on them.*

(3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.

(4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:

- (a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;*

(b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;

(c) promoting integrated management of catchments and stormwater networks; and

(d) promoting design options that reduce flows to stormwater reticulation systems at source.

(5) In managing discharges from ports and other marine facilities:

(a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;

(b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;

(c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and

(d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.”

“Policy 24 Identification of coastal hazards

(1) Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

- (a) physical drivers and processes that cause coastal change including sea level rise;*
- (b) short-term and long-term natural dynamic fluctuations of erosion and accretion;*
- (c) geomorphological character;*
- (d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;*
- (e) cumulative effects of sea level rise, storm surge and wave height under storm conditions;*
- (f) influences that humans have had or are having on the coast;*
- (g) the extent and permanence of built development; and*
- (h) the effects of climate change on:*
 - (i) matters (a) to (g) above;*
 - (ii) storm frequency, intensity and surges; and*
 - (iii) coastal sediment dynamics; taking into account national guidance and the best available information on the likely effects of climate change on the region or district.”*

“Policy 25 Subdivision, use, and development in areas of coastal hazard risk

In areas potentially affected by coastal hazards over at least the next 100 years:

- (a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;*
- (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- (c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- (d) encourage the location of infrastructure away from areas of hazard risk where practicable;*

In terms of coastal hazards, the Beca report identifies sea level rise, storm surge, erosion and tsunami as potential hazards. In terms of the functional requirements of the AC36 regatta, the wharf hardstand and the boatsheds are required to be at the same flat level. This would be below current sea level and storm surge RL recommendations. However, in order to mitigate this the new piles will be designed for a future 1m increase in the height of the wharf deck by using a lightweight core overlaid with reinforced concrete deck. The increase in wharf deck level and wave panel level height could be staged over 2 or 3 increments over the next 100 years and is expected to be refined with time to allow for updated climatic change predictions. A pragmatic approach is to review the wharf deck levels in the 2040’s to 2060’s, which would coincide with the design life of the wharf.

It is also noted that the boat base sheds would not be permanently occupied in the same way that residential dwellings or commercial office buildings might. As a result the proposed solution is considered to be acceptable.

In terms of tsunami, it is considered that regional source tsunami would provide an evacuation window of approximately 1 hour while a distant source tsunami would provide approximately 12 hours for evacuation. This is considered suitable evacuation time given that a specific evacuation plan has been developed for the bases while in operation and while an event (with greater public numbers) would be in attendance.

*(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences;
and*

(f) consider the potential effects of tsunami and how to avoid or mitigate them.

Policy 26 Natural defences against coastal hazards

(1) Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards.

(2) Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands”

Policy 27 Strategies for protecting significant existing development from coastal hazard risk

(1) In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:

- (a) promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;*
- (b) identifying the consequences of potential strategic options relative to the option of ‘do-nothing’;*
- (c) recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;*
- (d) recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and*
- (e) identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.*

(2) In evaluating options under (1):

- (a) focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;*

(b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and

(c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.”

(3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.

(4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing

<p><i>Policy 28 Monitoring and review of the effectiveness of the NZCPS</i></p> <ol style="list-style-type: none"> 1. <i>To monitor and review the effectiveness of the NZCPS in achieving the purpose of the Act, the Minister of Conservation should:</i> <ol style="list-style-type: none"> a. <i>in collaboration with local authorities collect data for, and, as far as practicable, incorporate district and regional monitoring information into a nationally consistent monitoring and reporting programme;</i> b. <i>undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes;</i> c. <i>within six years of its gazettal, assess the effect of the NZCPS on regional policy statements, plans, and resource consents, and other decision-making; and</i> d. <i>publish a report and conclusions on matters (a) to (c) above.</i> 	<p>Not relevant to this application.</p>
<p><i>Policy 29 Restricted Coastal Activities</i></p> <ol style="list-style-type: none"> 1. <i>The Minister of Conservation does not require any activity to be specified as a restricted coastal activity in a regional coastal plan.</i> 2. <i>Local authorities are directed under sections 55 and 57 of the Act to amend documents as necessary to give effect to this policy as soon as practicable, without using the process in Schedule 1 of the Act, with the effect that:</i> <ol style="list-style-type: none"> a. <i>any activity specified as a discretionary activity and a restricted coastal activity becomes a discretionary activity only;</i> b. <i>any activity specified as a non-complying activity and a restricted coastal activity becomes a non-complying activity only.</i> 3. <i>Any application for a coastal permit for an activity specified as a restricted coastal activity that has been publicly notified before the date the amendments in clause (2) are made shall continue to be treated as an application for a restricted coastal activity for the purposes of section 117 of the Act.</i> 4. <i>Any other application for an activity specified as a restricted coastal activity made before the date of the amendments in clause (2), shall be considered as a discretionary or non-complying activity in accordance</i> 	<p>Not relevant to this application.</p>

with the regional coastal plan or proposed regional coastal plan's classification and section 117 of the Act does not apply.

